





# PIERCE EGAN'S

ACCOUNT OF THE TRIAL

OF

## MR. FAUNTLEROY, *FOR FORGERY,*

At the Session's-House, in the Old Bailey,

On SATURDAY, the 30th of OCTOBER, 1824,

BEFORE

MR. JUSTICE PARK and MR. BARON GARROW.

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HONESTY IS THE BEST POLICY.

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REMARKS  
ON THE  
TRIAL OF MR. FAUNTLEROY.

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HUMANITY teaches us to pity the unfortunate; feel for the distressed; and to console and cheer the wretched victim of justice: but, in the present case, we feel totally at a loss to offer any thing like *palliation*, in defence of the conduct of Mr. FAUNTLEROY. We should not wish to be accused of harshness and cruelty towards him: but the plain and simple truth is, that Mr. F. sinned with his eyes open; it was not the *impulse* of the moment that hurried him to commit the crime of FORGERY; but it was the *cold*, deliberate result of years. In a commercial country like England, forgery is a crime of the greatest magnitude; and the mischief is distributed to a most alarming extent, before the evil is traced to its proper source. A single instance did not satisfy the appetite of Mr. F.; but *Forgery* after FORGERY was committed by him, higher in amount and consequence; and yet with all the *routine* of business. \*Unmindful that by his nefarious conduct, the hopes, happiness, and prospects of hundreds have been nearly, if not quite, ruined, and without the chance of recovering their losses.

Since the time of the PERREAUS and the days of Dr. DODD, no case of forgery has excited such universal attention. But those cases are “trifles, light as air,” by comparison, when we are told from excellent authority, that the immense sum of 16,000*l.* *per annum* was required

to pay off the *interest* of the *forgeries* committed by Mr. Fauntleroy, in order to prevent the detection of his crimes.

The whole of the *forgeries* put together, which have been committed against the Bank of England, by various individuals, do not amount to the sum which they are likely to suffer by the *deceptions* of Mr. FAUNTLEROY. FOUR HUNDRED THOUSAND POUNDS, it is confidently asserted, will scarcely cover the losses of the Proprietors of the Bank of England. But the most strange circumstance of the whole affair is, that Mr. Fauntleroy is positively said to be without a PURSE; and those persons who are intimately connected with him assert, that he is also without MONEY. There is a *mystery* about the Banking Concern in which Mr. Fauntleroy is a partner, which at the present moment cannot be *fathomed*; but it is expected the truth will be developed.

It is true, that Mr. Fauntleroy was not what is termed a "*play-man*;" i.e. a frequenter of the gambling-houses; but as a *gambler* in the FUNDS, he had no rival: his speculations were of the most dashing sort; neck-or-nothing, not to say *frightful*! The mode in which the *discounts* were obtained for the above firm in the City were managed with great secrecy, ingenuity, and talent. The trial, at present, has done but little to throw any light upon the business:

Thus *bad* begins;  
But *worse* remains behind!

Nov. 1, 1824.

# PREVIOUS CIRCUMSTANCES

CONNECTED WITH

## The Trial.

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### APPREHENSION OF MR. FAUNTLEROY.

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It was known that Mr. Fauntleroy was the most generally acting partner of the banking-house, and usually, when in town, nominally resided there. Plank, on receiving the warrant for his apprehension, went, about seven o'clock the same evening, to the house in Berners-street, and inquired for Mr. Fauntleroy, but was answered that that gentleman dined from home, and it was uncertain what time he would return. Plank determined to await that time, walked about the street near the house, with another officer, the whole of that night, until seven o'clock in the morning. Mr. Fauntleroy not having arrived home by that time, Plank took it for granted that he had taken his rest somewhere else for the night, and the officer therefore returned to his own house, leaving, however, an officer still on the watch in Berners-street. About ten o'clock, his usual hour of business, Mr. Fauntleroy was seen to enter the banking-house, and information was dispatched to Plank to that effect. Plank instantly proceeded, accompanied by Mr. Goodchild, to Berners-street, and, on his way, Plank took the precaution of calling on a tradesman, and getting from him a check on the banking-house of Marsh and Co. of 10*l.* for ten sovereigns, saying that he wanted to send a 10*l.* note into the country. This precaution the officer took, in order, as he did not intend to enter exactly with Mr. Goodchild, to have a pretext for delay in the counting-house, to get payment of the check, until he should see Mr. Goodchild in conversation with Mr. Fauntleroy. When Plank, however, entered the bank, immediately after Mr. Goodchild, he saw this gentleman in a small office, at the end of the counting-house, speaking to a gentleman seated at a desk, whom he knew to be Mr. Fauntleroy. The officer did not, therefore, wait to present his check, but pushing on instantly by the clerks, saying that he wanted to speak one word to Mr. Fauntleroy, he entered the place, where the latter and Mr. Goodchild were in conversation, and closing the door, made known his name and business at once, at the same time producing his warrant. Mr. Fauntleroy became dreadfully agitated, and exclaimed, "Good God! cannot this

business be settled?" Plank begged of him to make no noise, but to walk out quietly for a few minutes, and they would there talk about a settlement. Mr. Fauntleroy then signed a few blank checks, with a very unsteady hand, and giving them to one of the clerks, told him he should go out for a few minutes; and putting on his hat, walked out without observation, by the side of the officer, who immediately conducted him to the private house of Mr. Conant. Mr. Fauntleroy being now fully aware of the dreadful situation in which he was placed, expressed a desire that the principal clerk at the banking-house should be sent for, that he might give him some directions about the business of the day, which would otherwise be thrown into confusion, as it was not likely that any of the other partners would call in, it being his day of attendance.

Mr. Conant consented to the clerk being sent for, on the condition that any conversation that passed between them should be in the presence of the officer, to which Mr. Fauntleroy readily assented; and when Mr. Tyson, the clerk, arrived, the only conversation he had with him was to desire that he would instantly send for Mr. Graham, who was in town, and also dispatch an express to Bognor, in Sussex, for Mr. Stracey, who was sojourning there, to come to town instantly.

By this time Mr. Hume, Mr. Goodchild, and Mr. Freshfield, one of the solicitors to the Bank of England, were in attendance; and Mr. Fauntleroy being placed in proper security, Plank proceeded, accompanied by Mr. Freshfield, to make search at the banking-house amongst the prisoner's papers for any documents that might throw further light on the practices with which he was charged. When arrived at the bank, Mr. Graham had by accident just entered, and on learning the situation of his unhappy partner, he was thunderstruck for the moment, and scarcely able to articulate. Mr. Graham had not well recovered from his shock, when Mr. Marsh, a very elderly gentleman, another partner, came in, and the unfortunate affair being disclosed to him, that gentleman dropped into a chair, and became almost insensible from the shock. These two gentlemen now threw open every place, and gave every facility to the search of the officer, declaring that they had no object in secrecy, and that the whole of their affairs and transactions should be open to a thorough investigation. Plank made the necessary search, but found no papers of any consequence to the case under investigation. Mr. Graham then accompanied Mr. Freshfield and Plank to Mr. Conant's house.

Ever since the appearance of the advertisement from Messrs. Marsh, Stracey, and Graham, of the banking-house in Berners-street, suspending payment on account of the conduct of their partner, Mr. Fauntleroy, the public mind has been in an extraordinary state of excitement. The account of the committal of Mr. Fauntleroy, and the reported cause of that committal, naturally added to the general agitation. In fact, hardly any thing has been talked of, either in the city or at the west end of the town, but this singular event, and all sorts of rumours are current on the subject.

Mr. Fauntleroy had undergone a private examination, in the house of Mr. Conant, previous to his committal. The accused had been the active and managing partner in the above-mentioned banking-house for a number of years. Above ten years ago he was appointed joint-trustee with J. D. Hume, Esq. (of the Customs,) and another gentleman, to the estate of a family of eight children (of which we forbear mentioning the name), deprived at an early age of their parents. The first forgery committed by the accused took place more than ten years



ago, when the names of the other trustees were forged to different instruments, and ultimately to a power of attorney, by which 30,000*l.* stock was sold out by Mr. Fauntleroy. To conceal this fraud, he was compelled sometime afterwards to replace the stock when it had greatly risen. The discovery took place from one of the joint-trustees accidentally investigating the accounts at the Bank of England, which he had been induced to do, in consequence of the approach of November, when the whole money held in trust was, by an order of the Court of Chancery, to be paid into the hands of the Accountant-General. The trustee was panic-struck at the discovery, and communicated the fact to the other partners of the bank, when those gentlemen expressed their surprise and great alarm at the conduct of their partner. An application was made to Mr. Conant, at Marlborough-street Office, and the whole of the facts then disclosed having been laid before him, he employed Plank, the chief officer, to apprehend Mr. Fauntleroy, having previously taken the deposition on oath of Mr. Hume, by which he felt authorized to issue a warrant for the alleged felony. When Mr. F. appeared before the Magistrate, he fully acquitted his partners of any participation or knowledge of his delinquency. Mr. Hume was sworn and examined to prove one act of forgery for 10,000*l.* on the part of the accused; and at the termination of the investigation, which lasted several hours, the prisoner was committed to the House of Correction, by virtue of a warrant, of which the following has been handed to us as a copy:—

“ Police Office, Marlborough-street, Sept. 10, 1824.

“ To the Governor of the House of Correction, Cold Bath-fields, or his Deputy.

Receive into your custody the body of Henry Fauntleroy, charged on the oath of J. D. Hume and others, before me, John Ed. Conant, Esq. one of His Majesty's Justices of the Peace, acting in and for the county of Middlesex, with having feloniously forged and uttered as true, a certain instrument, with intent to defraud the Governor and Company of the Bank of England, and others, of the sum of 10,000*l.*, and him safely keep in your custody for re-examination before me.

(Signed)

“ J. E. CONANT.”

On the prisoner arriving at the House of Correction, orders were given that two persons should sit up with him night and day, to prevent his attempting his life, which order was strictly complied with. The prisoner's partners were not admitted to him without special orders from the Magistrate, and then in the presence of an officer. No paper was allowed to go to or from him without its first being submitted to the committing Justice, Mr. Conant. Sir Peter Laurie and several other gentlemen went to the House of Correction to inquire if the account was true, that the prisoner had committed suicide, which was currently reported in the city. The answer given was, that no such circumstance had taken place. At times the accused was in the most dejected state of mind, in short, in a state nearly approaching to despair; and at other times he appeared rather cheerful, and expressed to the governor, Mr. Vickery, his gratitude for his kind and humane attention to him in his unfortunate situation.

MARLBOROUGH STREET.—(FIRST PUBLIC EXAMINATION).

This Office was again thronged with creditors of the banking-house

of Messrs. Marsh, Stracey, Graham and Fauntleroy, in Berners-street, who were anxious to be present at the expected examination of Mr. Fauntleroy. Mr. Conant took his seat on the bench with Sir George Farrant, Mr. Dyer, and Mr. Roe, the other magistrates.

At a few minutes before four o'clock, Mr. Fauntleroy was placed in front of the bar, escorted by Plank and Schofield, the officers. The unfortunate prisoner, who appears not to be more than 40 or 43 years of age, is a man of the middle size, fair complexion, grey eyes, cropped hair, falling on his forehead, nearly grey, a good profile, or what would be called a mild Roman contour of visage, and fresh healthy complexion. He was dressed in a blue coat and trowsers, and half-boots, with a light-coloured waistcoat. He leaned upon his left arm at the bar, holding his hat down in his right hand. There was a decent and gentlemanly composure in his manner; he never raised his hat to endeavour to hide his face from the crowd of strangers who gazed upon him, but kept his eyes fixed upon the ground, not indifferent to the passing business, for he heaved a sigh, and remained in front of the bar, without betraying any other symptoms of attention to the judicial proceedings which were pending.

As soon as this unfortunate gentleman was placed in front of the bar, Mr. Conant requested him to advance to the table, which he did, and the Magistrate addressed him as follows:

"I am much concerned, Mr. Fauntleroy, to hear that a person of the name of Hanson has introduced himself into your prison room, and spoke to you in an unpleasant, if not in an insulting, tone of language. I am sorry that such an occurrence should have taken place, and I shall, in future, take care and prevent a repetition of it."

Mr. Fauntleroy replied in a low tone of voice, "He said nothing insulting, Sir, more than intruding himself into my chamber without my consent."

The first deposition was that of Mr. William Price, a clerk in the late banking-house, which was read, as follows:—"It sheweth, that the deponent hath examined a power of attorney, of the date of the 7th December, 1820, for the transfer of 10,000*l.* Imperial 3 per Cent. Annuities, which were vested in the co-trusteeship of Henry Fauntleroy, of Berners-street, banker, and James Dekin Hume, of the Custom-house, and John Goodchild, surgeon, of Westerham, Surrey, in trust for the widow and heir of the late Francis William Bellis, of Hockstead Cottage, Surrey; and further, that the deponent hath read the names of the subscribing witnesses, James Tyson, and William Price, a clerk (or clerks) in the house of Messrs. Marsh, Stracey, Graham, Fauntleroy, and Co.; and that he believes the signature William Price to be in his own proper handwriting; but that respecting the annexed words "in the presence of H. Fauntleroy and J. D. Hume," the same are, as he verily believes, in the handwriting of the prisoner, Henry Fauntleroy; and deponent hath no knowledge of his ever having witnessed a transfer of the kind in the presence of the said J. D. Hume, or any other recollection of having witnessed such transfer, except in the presence of the said Henry Fauntleroy." Mr. Price signed his deposition, and was bound over to prosecute, in the usual form.

The second deposition was that of the Rev. Charles Hardinge, vicar of Sunbridge, which was made before Mr. Conant, on the 18th September, and sheweth that the deponent hath examined a power of attorney, bearing date the 7th of December, 1820, for the transfer of

10,000*l.* Imperial 3 per Cents., and hath particularly examined the attestation therein, signed "Charles Hardinge, vicar of Sunbridge," annexed to that which purported to be the signature of John Goodchild, surgeon, of that place; but deponent declareth that the signature is not his (deponent's) proper handwriting; nor hath he any personal acquaintance with the said John Goodchild, except knowing him to be a surgeon of the neighbourhood; nor hath he ever witnessed any such transfer, or hath he had, before or since, a servant named John Mason, who is represented to have attested the same transfer with him.

Mr. Freshfield—As Mr. Hardinge is here, perhaps it would be as well to take another deposition of his, which has just been prepared.

The Magistrates giving assent to this proposition, another deposition was read, which "showeth, that a transfer, dated the 7th of September (or December), 1820, for passing 17,500*l.* Navy 5 per Cent. Annuities;" to which, in the same terms as the last, the Rev. Mr. Hardinge was represented as being, with his supposed servant, John Mason, an attesting witness to the signature of John Goodchild, was not in his (deponent's) proper handwriting, nor had he ever attested such an instrument.

This deposition was subscribed, and Mr. Hardinge bound over to give evidence.

The next deposition was that of Sir Richard Hardinge, Bart., of Sunbridge, in the county of Kent, which "showeth, that he (the said Baronet) hath examined a power of attorney, bearing date the 20th of October, 1820, for the transfer of 46,000*l.* Reduced 3 per Cent. Annuities, from the names of Messrs. Fauntleroy, Hume, and Goodchild, in trust, and hath examined the signature, 'Richard Hardinge, Bart.,' and that of Mary his wife, now deceased, as attesting witnesses to the signature 'John Goodchild,' both of which signatures are not in his or her proper handwriting. He further deposeth, that he knows the said John Goodchild to be a surgeon in the neighbourhood, but is not in habits of intimacy with him, and never witnessed the present or any other signature of his, to any transfer or power of attorney."

Sir Richard Hardinge signed his deposition, and was bound over as an evidence for the prosecution.

In a conversation with Mr. Conant, Sir Richard Hardinge remarked, that his lady's name was, on the face of it, a clear fabrication; but that the pretended handwriting of his, so much resembled his proper handwriting, that, if shown to him in the ordinary course of business, he should have admitted it.

Mr. Conant—But here you speak positively to its not being your handwriting to this instrument.

Sir Richard Hardinge—Certainly I do; because, never having signed any transfer of Mr. Goodchild's, it follows, as a consequence, I could have nothing to do with this. I never, indeed, was in a room with him but once, about seven years ago, when he was employed to extract a tooth. The signature is certainly not mine.

Another power of attorney was then shown to the Honourable Baronet, bearing date the 30th of October, 1820, for the transfer of 5300*l.* 4 per Cent. Annuities, and he deposed that his signature to this transfer, as an attesting witness for the signature of John Goodchild, was also a forgery.

Mr. Freshfield said that, on a former occasion, evidence had been taken which was now reduced to the form of depositions; and it



would be necessary to have them, in the form in which they were now put, regularly sworn to.

The first was that of Mr. J. D. Hume, the co-trustee with the prisoner, which, in the usual terms of professional technicality, repudiated his signature to the transfers already read in evidence, and further stated, that in a conversation which he had a few weeks ago with the prisoner, the latter informed him, that the whole of the stock, of which he (Mr. Hume) was in trusteeship with him, for the widow and children of the late Mr. Bellis, remained as it originally stood in the Bank in their conjoint names. This conversation arose in consequence of some proceedings in the Court of Chancery, which rendered it necessary that an account should be taken for the Receiver-General.

Mr. John Goodchild was then called and sworn, and a deposition, corresponding in all respects with that sworn to by Mr. Hume, was put into his hand and read; he returned it, and said it was perfectly correct.

Mr. Freshfield, the solicitor to the Bank, then stated, that if the friends of Mr. Fauntleroy were desirous, he would be prepared, on the earliest possible day, to proceed with the charges against him.

Mr. Conant.—I rather apprehend Mr. Fauntleroy has no wish to press the business forward, but is ready to wait the convenience of his prosecutors.

Mr. Harnier, who attended as solicitor for Mr. Fauntleroy, remarked that no good could be obtained by expediting the business now. It would be impossible for his client to take his trial during the present Sessions, and therefore the Solicitor of the Bank might suit his own convenience.

Mr. Conant, addressing the prisoner—I believe, Mr. Fauntleroy, you are desirous of remaining where you are? (alluding to the prison in which he is confined).

Mr. Fauntleroy—If you please, Sir.

The witnesses, whose depositions had been taken, were then bound over in a recognizance of 40*l.* each, to give evidence against the prisoner at the ensuing Old Bailey Sessions. They were as follows:—Mr. William Price, the Rev. Charles Hardinge, Sir Richard Hardinge, Mr. John Tyson, who gave evidence similar to Mr. Price on a former day; Mr. Goodchild, Mr. Hume, and Mr. Graham, a partner in the house of Marsh and Co., who proved, at the former examination, that he had received the power of attorney for the transfer of 10,000*l.* Imperial Three per Cents. from the hands of the prisoner, in the form in which it was now produced.

The future examination was then postponed for a week, with an intimation that an additional delay might take place, if necessary. Mr. Fauntleroy, who had scarcely looked up during the examination, was then removed from the bar, and reconducted to prison, in the manner in which he had been brought in the morning. He seemed extremely anxious to avoid public observation.

#### MR. HANSON, OF HAMMERSMITH.

Extracts from a Letter which the above named Gentleman addressed to the Editor of a Morning Paper:

“ The charge brought against me by Mr. Conant has been proved by the unfortunate Mr. Fauntleroy to be false. But, Sir, there is something unkind and cruel in Mr. Conant’s attack upon me at this



particular juncture: for he well knew that, for the last few weeks, I had been libelled and slandered in many of the public journals, for what I considered the just discharge of my duty as a magistrate. It is very hard, indeed, Sir, that an old man of seventy-two years of age, and one of the oldest magistrates of the county of Middlesex, after nearly twenty years of indefatigable labour for the benefit of the county and the public, should be so insulted by so young a man. Sir, it was an unprovoked and uncalled for insult: unprovoked, because we have always been on friendly terms, frequently sitting together on committees, never opposed to each other, but always acting in unison: uncalled for, because Mr. Conant knew that I was a visiting justice in the performance of a duty. But the consequence of my name being erased from the list of visiting justices does not rest there; for, by that act, I also lose my seat in the prison committee, of which I had been a member for 14 years.

"Does Mr. Conant pretend to say, that, because my name has been struck out of the list of visiting justices, he can prevent me or any other county magistrate from demanding entrance, and going over the prisons belonging to the county, and examining every cell and every room in the prison? No, Sir, I can still do it, notwithstanding his futile orders to the contrary. Does he pretend to say that he can prevent a christian magistrate from endeavouring to persuade the poor unfortunate prisoners to read the sacred scriptures? He must know that nothing but an order from the Secretary of State, that no person whatever shall be permitted to see particular prisoners, can prevent county Magistrates from examining every part of the prison, and conversing with rich as well as poor prisoners.

"I would now ask you, Sir, whether I have not suffered a very serious injury from the invidious conduct of some party or parties on this occasion, in being held up to contempt before the public: and, what is of still greater importance, in being lessened, most likely, in the good opinion of my friends and acquaintances, and in the esteem of those honourable Magistrates who were assembled at the Sessions House last county day?

"For the obloquy that has been cast upon me, I can only say, that no compensation in gold or silver can ever remunerate me.

"I remain, with the happy feeling of '*Mens sibi conscia recti*,'

"Your most obedient and very humble servant,

"JOHN HANSON,

"Hammersmith, Oct. 18, 1824."

#### MARLBOROUGH-STREET.—(SECOND EXAMINATION.)

Plank arrived at the office in Marlborough-street at about one o'clock, and placed Mr. Fauntleroy under the charge of Clements and Westcott, in the strong room.

Mr. Hume, Mr. Goodchild, Mr. Graham, and one or two other gentlemen, entered and took seats in the private room. In a short time after, the Governor and Deputy Governor, and some of the other Directors of the Bank of England, arrived and took their stations behind the Magistrate's chair; besides these, there were about two dozen other gentlemen, either friends of the Magistrates, or of some of the parties present. In the private room there were also two ladies observable, from whose state of agitation and apparent anguish, it was not difficult to conclude that they bore some intense interest in the proceedings about to take place. They were under the care of a gentleman, who seemed to use his best endeavours to soothe their anguish.

Mr. Broderick, the barrister, with Mr. Forbes, the solicitor, and Mr. Butler, the chief clerk of Mr. Harmer, made their appearance on behalf of the prisoner, about half-past one, and Mr. Freshfield was in attendance on the part of the Bank of England.

Sir George Farrant, Mr. Conant, and Mr. Dyer, having taken their seats upon the bench, Plank was directed to produce his prisoner; but Mr. Butler said, that as Mr. Harmer, who had heard the former examination, was not present, perhaps the Magistrates would allow Mr. Broderick to look over the depositions for a few minutes in the private room. This wish was acceded to; and the clerk of the office took the depositions into the private room for that purpose. In a very short time Mr. Broderick returned, and a final order was now given to Plank to bring in Mr. Fauntleroy.

The prisoner entered not, as on the first occasion, with a hurried step and agitated manner, but walked firmly into the office, and, without being directed thereto, instantly took his station, leaning, as at the former time, against and outside the bar, within which prisoners are usually placed, but which now contained some of the witnesses to be examined. Mr. Fauntleroy was dressed, as on the former occasion, in a blue coat, blue trousers, and white waistcoat, but now wore a black handkerchief round his neck, whereas, at the first examination he wore a white one. His countenance betrayed a much more settled state of mind than when we last saw him; he seemed in good health, not at all agitated, and almost, in appearance, indifferent to the whole proceeding. He, however, occasionally heaved a sigh.

Mr. Freshfield, addressing the Magistrate, said, that on the former examination there was one case, that of a warrant of attorney for 10,000*l.*, completed on the part of the prosecution; and they had also gone in part into the evidence respecting three other warrants of attorney for other sums; namely, one for 46,000*l.*, one for 17,000*l.*, and one for 5300*l.*; and he would now proceed to complete the evidence in their cases also.

George Edward Graham, late partner with the prisoner in the Bank of Marsh and Co., was then sworn, and the following deposition read over to him—"That on the 30th of October, 1820, he received from the prisoner, Henry Fauntleroy, the power of attorney now produced for 46,000*l.*, three per cent. annuities, with directions to sell the same, which he accordingly did on the 2d of November, 1820; and the signature of G. E. Graham to the warrant of attorney, as having so sold the same, was signed." This deposition Mr. Graham said was true.

The deposition of James Tyson was next read, and went to say, that the signature of this deponent, signed as an attesting witness to the names of Henry Fauntleroy and J. D. Hume, on this power of attorney, was the proper signature of this deponent, and that he did so witness the said Henry Fauntleroy subscribe his name to this document; but that the words "Clerks in the banking-house of Marsh and Co, also witnesses to the signature of J. D. Hume," were not then written; and that they, as well as the signature, J. D. Hume, are in the proper handwriting of the prisoner; and deponent further saith, that he never did witness the signature of J. D. Hume to any instrument whatever. This witness was sworn, and signed his deposition.

Joseph Golightly deposed that he, as well as the last deponent, was a clerk in the banking-house of Marsh and Co.; that he has examined the power of attorney now produced, and that the signature "Jos. Golightly," attached thereto, as an attesting witness to the name of

Henry Fauntleroy, is the true and proper signature of this deponent, and that he did so witness the signature of the said Henry Fauntleroy; but that the words "Clerks to Messrs. Marsh and Co. bankers, also witnesses to the signature of John D. Hume," were not then written; and that these words, as well as the name of "J. D. Hume," signed to the power of attorney, are in the proper handwriting of the prisoner at the bar.

John Goodchild, surgeon, of Elm Tree Road, Regent's Park, deposed, that in the month of May, 1818, he, the deponent, together with J. D. Hume, of Pinner's-park, in the county of Kent, and Henry Fauntleroy, of Berners-street, banker, were appointed trustees to the sum of 46,000*l.* 3 per Cent. Imperial Annuities, vested by Francis William Bellis, of Oxted Cottage, in the county of Surrey, in these funds, to be for the use and benefit of Susannah Bellis, his wife, and her children; that the said securities were deposited in the Bank of England, with power to the prisoner, Henry Fauntleroy, to receive the usual dividends on the same, and place them to the credit of the said Francis William Bellis, in his account with the banking-house of Marsh and Co., in which the said Henry Fauntleroy was a partner; that the said dividends were regularly accounted for by the prisoner until the death of the said Francis William Bellis, in January last; that proceedings have lately been commenced in the Court of Chancery, to arrange all the funds of the estate of the said deceased Francis William Bellis; in consequence of which, this deponent, in conjunction with the other trustee, J. D. Hume, has had several interviews with the prisoner, within a few weeks, on the subject of their trust; and on all these occasions the prisoner stated that the said stock was still standing in the names of the said trustees in the Bank of England. And deponent further saith, that he hath examined the power of attorney now produced, purporting to be signed by him, giving authority to the said Henry Fauntleroy to dispose of the said 46,000*l.* 3 per Cent. Annuities, but that the signature "John Goodchild," attached thereto, is not his proper signature, nor did he ever give any authority whatever to the said Henry Fauntleroy to dispose of the said stock.—Mr. Goodchild signed his deposition.

Mr. Freshfield next produced a warrant of attorney for 17,500*l.* Navy 5 per cents, and called C. E. Graham, who, as in the former case, deposed to his having sold out this stock under the directions of Mr. Fauntleroy. The attesting witnesses to the signatures of J. D. Hume and Henry Fauntleroy were, James Tyson and William Price, Clerks in the banking-house; and these depositions went, as on the former occasions, to say that, as regarded the signature of Mr. Fauntleroy, their attestation was genuine, but false as to that of Mr. Hume, whom they never saw subscribe to any document.

Mr. Goodchild again deposed as to the signature "John Goodchild," to this warrant of attorney, not being in his handwriting.

Another power of attorney was produced for the sum of 5300*l.* 3 per Cent. Consolidated Fund, and on this document the same evidence was given by Mr. Goodchild as to the forgery of his signature, and the attesting witnesses, Tyson and Golightly, as to their having witnessed the signature "Henry Fauntleroy," but not that of J. D. Hume, as they were made appear to do; and this last signature they deposed to be in the handwriting of the prisoner. Mr. Graham, when giving his deposition as to the sale of the stock under this last warrant of attorney, said that he had now to correct himself as to the fact of his having received this power of attorney, as stated in the deposition, at



the banking-house in Berners-street, from Mr. Fauntleroy. He could not positively say whether he received the power of attorney from Mr. Fauntleroy, or from his broker in the city, by the directions of Mr. Fauntleroy, but he was sure that one or the other was the case; if from Mr. Fauntleroy himself, he certainly did receive it at the banking-house; and if from a broker, it must be from either Mr. Simpson or Mr. Spurling, who must have accompanied him to make the transfer. Mr. Graham said, that this alteration in his depositions applied to all the other cases on which he had before given his testimony.

These depositions were accordingly altered by the clerk, and Mr. Graham re-sworn to them.

James Tyson, the clerk, was again called, and asked to look at a request to act, written on the back of this power of attorney; it ran thus:—

“We shall feel obliged by the within being acted upon to-day, as the money is wanted for a particular purpose, yesterday being a holy-day.

“Nov. 2, 1820.

“MARSH, SIBBALD & Co.

The witness Tyson deposed that the whole of this request to the Bank of England was in the handwriting of the prisoner.

Mr. Freshfield said, that having now completed all the cases connected with the trust in which Mr. Hume and Mr. Goodchild's names were concerned, he should proceed to another charge against the prisoner.

The first was a warrant of attorney, purporting to be signed by Miss Frances Young, authorizing the prisoner to dispose of 5000*l.* 3 per Cent. Consols, dated the 31st day of May, 1815.

James Tyson, clerk in the late banking-house of Marsh and Co. deposed that the signature of James Tyson, as an attesting witness to the name of Frances Young to the warrant of attorney now produced, was not his signature; nor did he ever see Miss Young sign her name to any instrument.

John Watson, also a clerk in the bank of Marsh and Co., deposed that the name, John Watson, as an attesting witness to the signature of Miss Young, was not in his handwriting.

A demand for permission to act, on the back of this power of attorney, the two last witnesses deposed was in the handwriting of the prisoner.

Robert Browning, jun., deposed, that in the month of May, 1815, he was a clerk in the Three per Cent. Consols Transfer Office, in the Bank of England; and that the prisoner applied, in that month, with the power of attorney now produced, to have the 5000*l.* stock mentioned therein transferred from the name of Frances Young to that of William Flower, of the Stock Exchange, which was accordingly done.

Miss Frances Young, of Christchurch, in the county of Sussex, a lady of middle age, who seemed in great distress of mind, was now led into the office by the gentleman who accompanied her, and being sworn, deposed that in the month of May, 1815, the sum of 5450*l.*, her property, stood in the Bank of England in her name, in the 3 per Cent. Consols; that Henry Fauntleroy, banker, of Berners-street, had received from her a power of attorney to receive the dividends due thereon, and place them to her account in the bank of Marsh and Co., and that he always continued regularly to account to her for the



amount of those dividends. That she never gave the said Henry Fauntleroy any permission, by power of attorney or otherwise, to dispose of the principal of the said stock; and that the signature, "Frances Young," to the power of attorney now produced, is not her handwriting or proper signature.

Mr. Freshfield now produced another power of attorney, for the sale of 5000*l.* of other Three per Cent. Consols, purporting to be signed by Elizabeth Wharton Young.

James Tyson, clerk in the bank of Marsh and Co., deposed that his name, as signed as attesting witness to this power of attorney, was not in his handwriting, nor did he ever see Miss Young sign her name to any document.

John Barber deposed, that in the year 1815 he was a clerk in the banking-house of Marsh, Sibbald and Co., but was now a victualler in Little Newport-street; that he recollects having been repeatedly asked by Mr. Fauntleroy to sign his name to papers, which he did, without knowing what they were; that the name John Barber, attached as a subscribing witness to the signature "Elizabeth Wharton Young," he believes to be his handwriting; but he never did see Miss Young sign this, or any other document, nor did he know that he was witnessing any signature at the time.

Miss Elizabeth Wharton Young, formerly of Hertford, now of Chichester, in the county of Sussex, deposed, that in the month of May, 1815, there was deposited in the Bank of England, in her name, the sum of 5308*l.* 19*s.* 3 per Cent. Consols, her property; that Henry Fauntleroy, of Berners-street, banker, had from her a power of attorney, to receive the interest, or dividends, on this sum, and place the amount to her credit in the bank of Marsh and Co., where she had an account; that the said Henry Fauntleroy did continue to account regularly with her for the dividends on this stock; but that deponent never did give the said Henry Fauntleroy, or any other person, authority to dispose of the said stock; and that the signature, "Elizabeth Wharton Young," to the power of attorney now produced, was not the handwriting of this deponent.

This lady (who is the sister of the other Miss Young, a witness in this case, and both, we understand, the sisters of Mrs. Fauntleroy) was so deeply affected while in the office, that it was with difficulty she could be supported from fainting. When both ladies were retiring, it was managed by the gentleman who escorted them to and from the office, that they should not have a view of the prisoner.

Samuel Lardner deposed that he was a clerk in the Three per Cent. Transfer Consol Office in the Bank of England, and that it was his duty to examine powers of attorney. That having examined the power of attorney now produced, he recollects its having been brought to him by a person who stated his name to be Fauntleroy, and that on the application of this person, the 5308*l.* 19*s.* stock, mentioned therein, was transferred from the name of Miss Young to that of William Richardson, of the Stock Exchange, Gentleman. The witness was now desired to look at the prisoner, and say if he was the person who made that application. After viewing Mr. Fauntleroy's person for some minutes, the witness said he had no doubt it was the person.

Mr. Freshfield said, that for the present he did not mean to go any farther on the part of the prosecution, and therefore should not occupy any longer the attention of the Magistrates.

Mr. Conant asked Mr. Broderick if he wished to ask any questions, or make any observations, on the part of the prisoner?

Mr. Broderick said he did not, in the present stage of the proceedings, feel it his duty to do so, but he should wish the examination to be deferred to as late a day as convenient.

Mr. Conant asked, what time he felt disposed to wish for ?

Mr. Broderick said a fortnight.

Mr. Conant said that it was not usual to remand a prisoner except from week to week.

Mr. Broderick said he should not wish the Magistrate to deviate from his usual course.

The prisoner was then remanded until the following Friday, with an understanding that it was not improbable but the examination might be further deferred.

The prisoner was conveyed back again to the House of Correction, by Plank, immediately after the closing of the office. The second examination lasted about an hour and a half.

It is understood, that those members of his own family who came forward on this painful occasion against the prisoner, did so with the utmost reluctance, and that it was the wish of the prisoner himself, that all of them who may have suffered by his proceedings should do so.

The Bank of England is determined not to be responsible to any persons who hold back from the prosecution.

The prisoner, in his confinement, was wonderfully at his ease ; he eat and slept well, and his spirits were better than could be supposed in his situation.

The only change that took place in his appearance, during this examination, was, when the Misses Young were called, and entered the office—a sudden flush at that moment pervaded his whole countenance, but in a moment subsided.

#### MARLBOROUGH STREET.—(THIRD EXAMINATION.)

Mr. Fauntleroy took his station as before, leaning on and against the bar, outside of it, and in front of the Bench ; he leaned his left arm on the bar, and on that hand he wore a light-coloured kid glove, and held in it the glove of the right hand, which was, as before, placed across his breast, holding his hat in it.

The prisoner appeared to have undergone a most extraordinary change, in point of health and spirits, during the short time that has elapsed since his last examination. He presented rather a ghastly hue upon his countenance, and altogether exhibited the appearance and expression of one who had lately suffered intense mental anguish. His eyes seemed languid and heavy. He seemed, during the progress of the examination, totally absorbed in thought, and almost unconscious of what was going on. He never once changed his position, or the direction of his face, which was towards the office-door, nor did he for a moment look towards the Bench.

The Clerk then called Colonel Thomas Lyster, of Wexford, in Ireland, and at present of London, who deposed, that in the month of December, 1819, he had the sum of 6644*l.* 13*s.* 3*d.* standing in his name, in the Bank of England, vested in the Four per Cent. Consolidated Fund ; that he gave a power of attorney to the banking-house of Messrs. Marsh, Stracey, Fauntleroy, and Graham, to receive the dividends of the same, and place the amount to the credit of his account in their house ; that those dividends were regularly and punctually so placed to his credit up to the present year. That deponent has examined the power of attorney here produced, dated 10th De-

ember, 1816, purporting to be signed by him, and giving the prisoner (Henry Fauntleroy) authority to sell out or transfer 6000*l.* of the said Stock; that the name, Thomas Lyster, signed to the said power of attorney, is not the proper signature of this deponent, nor did he ever give the prisoner, or any other person, power or authority to sell out or otherwise dispose of the said Stock; and deponent further says, that he was out of the country in that year, and had not been in England from the year 1816 until the year 1821, when he returned from St. Helena. Colonel Lyster now said that he did not know how he could, upon consideration, well swear that the Stock was standing in his name, in the Bank, at all in 1819, for he did not see it there, he was out of the country; all he could say was, that it ought to have been there.

Mr. Conant asked the Colonel if he believed it to have been there at the time?

Colonel Lyster said he certainly did; and he also believed it to be there still, until this "blow up" took place; and then, on coming over from Ireland to ascertain the fact, he found that the Stock had vanished since the year 1819.

The Colonel's deposition was then altered, from the positive assertion, to his belief.

Mr. Freshfield said that he would soon relieve Colonel Lyster from any doubt on that head, by convincing him that the Stock did stand in his name in the Bank in that year.

Jediah Kerie, late of Laurie-place, Bath, but now of Montague-square, Bloomsbury, in the county of Middlesex, deposed, that he had examined the power of attorney now produced, for the transfer of 6000*l.* Four per Cent. Consols, purporting to be signed "Thomas Lyster," and to which this deponent's name is attached as an attesting witness to the signature of Thomas Lyster; but that the name "Jediah Kerie," so signed, is not the proper signature of this deponent, or in his handwriting; nor did he ever witness the signing of any document by Colonel Lyster.

Mr. Freshfield said that the other name, as attesting witness to the signature of what purported to be that of Colonel Lyster, was that of Miss Elizabeth Fauntleroy, the sister of the prisoner; but, for reasons which must be obvious, he would decline calling that lady, but he would call a witness that would answer the same purpose.

James Tyson deposed that he was a clerk in the banking-house of Marsh and Co., in which the prisoner was a partner; that he is well acquainted with the prisoner's handwriting, and believes the name "Elizabeth Fauntleroy, spinster," signed as an attesting witness to the warrant of attorney now produced, to be in the handwriting of the prisoner; and deponent further says, that the name "Henry Fauntleroy," and the demand to act written on the back of the said power of attorney, are also in the handwriting of the prisoner.

George Hutchinson deposed, that in the year 1819 he was a clerk in the Four per Cent. Consols Transfer Office; that it was his duty to examine all warrants or powers of attorney for the transfer of any such stock; that in the year 1819 there was standing in the Bank of England, in the said Four per Cent. Consols, the sum of 6644*l.* 13*s.* 3*d.* in the name of Thomas Lyster; that in December of that year, the prisoner applied, with the power of attorney now produced, to have 6000*l.* of the said stock transferred from the name of Thomas Lyster into the names of Jacob Clements and Henry Neil, of the Stock Ex-



change, Gentlemen, in two sums of 3000*l.* each ; and that by the directions of the prisoner, and under such power of attorney, the stock was so transferred.

Mr. Freshfield now said, that as far as the case of Col. Lyster, the evidence was complete, and he should now proceed to that of Mr. Griffith. A power of attorney was now produced, purporting to authorize the prisoner to sell or transfer the sum of 500*l.* Long Annuities, which stood in the Bank of England in the name of John Griffiths, of Collins Bircomb, in Devonshire.

John Skelton deposed, that he is a clerk in the Long Annuity Transfer Office, in the Bank of England ; that in the year 1823, there was standing in that Stock, 500*l.* in the name of John Griffith ; that on the 13th of June, 1823, he found in the instruction box of the office a ticket, directing him to make out a transfer, and fill up a power of attorney for transferring the said 500*l.* Stock.

James Tyson deposed, that he had examined the power of attorney now produced for the transfer of 500*l.* Long Annuities, and believes the signature "Henry Fauntleroy," and the demand to act upon the back of the said power of attorney, to be in the handwriting of the prisoner.

James Kirby deposed, that he was a clerk in the banking-house of Marsh and Co. ; that he has examined the power of attorney now produced for the transfer of 500*l.* Long Annuities, dated the 14th of June, 1823 ; and that the name "James Kirby," signed thereto as an attesting witness to the signature of "John Griffith," is not the proper signature or handwriting of this deponent ; but deponent believes the same, as well as the demand to act upon the back of the said power of attorney, to be in the handwriting of the prisoner, and deponent further believes the signature, John Griffith, attached to the said power of attorney, to be also in the handwriting of the prisoner.

Charles Dawes Lownds deposed, that he was a clerk in the Long Annuities Office, in the Bank of England, in the year 1823, and it was part of his duty to witness transfers. On the 14th of June, in that year, the prisoner applied with the power of attorney now produced, to have the sum of 500*l.* transferred from the name of John Griffith into that of Gilbert Burrington, Gentleman, of the Stock Exchange ; and by the prisoner's directions, the stock was so transferred.

This being the whole of the evidence intended to be produced on the part of the prosecution, the witnesses were bound over to prosecute at the next Sessions at the Old Bailey.

The prisoner was now about to be removed from the office, when Mr. Forbes, one of the gentlemen conducting the prisoner's defence, said, that he would request the indulgence of having the prisoner still allowed to remain at the House of Correction until the general removing day ; not, Mr. Forbes, said, so much on the prisoner's own account, as for the advantage of many of his friends, who had much business of importance still unarranged with him, and also for the more convenient access of the prisoner's legal advisers ; neither of which objects could be so conveniently attained in Newgate.

After some short consultation, Mr. Conant said, that as he felt quite assured of the safe custody of the prisoner where he was, he should, for the reasons stated by Mr. Forbes, be suffered to remain there until Thursday.

The prisoner was then removed from the office by Plank and Westcott, and again taken up to Mr. Conant's drawing-room, where he



remained until the crowd about the office was dispersed, and was then conveyed back to the House of Correction in a hackney coach.

Contrary to his usual custom, he was very taciturn to the officers while being conveyed to and from the office.

#### INDULGENCE ALLOWED TO MR. FAUNTLEROY IN PRISON.

Much having been said in some of the newspapers, about the state-rooms in which this gentleman was confined, and as there are some individuals who seem to imagine that Mr. F. was allowed to enjoy more comforts than any other of his fellow prisoners, we think it is but just that we give a description of the room in which Mr. Fauntleroy was accommodated. The apartment is in the north wing of the prison, up two pair of stairs; its dimensions are seven feet by ten only, and is secured by a remarkably strong oak door; the only place through which the light can enter is a small window, strongly barricadoed with iron bars. The furniture of this "state room," consists of a wooden table, two chairs, a stool, on which is placed a wash-hand basin, and in one corner of the room is a stump bedstead, on which he reposes at night. This is the apartment that has been said to be equal to any private gentleman's residence, and commanding a view of Highgate and Hampstead hills.

Mr. Vickery, the Governor of the House of Correction, in Cold-bath-fields, came into the office in great agitation, and requested to see Mr. Conant, the magistrate, who committed Mr. Fauntleroy. It being Mr. Dyer's day of attendance, Mr. Conant was not in the office; but as soon as he was apprised of Mr. V.'s visit, he granted him an interview in his drawing-room.

Mr. Vickery stated to Mr. Conant, that he was greatly surprised, upon taking up the *Times* newspaper, at seeing a most false and invidious paragraph therein inserted, relative to the mode of treatment of his prisoner, Mr. Fauntleroy. Mr. Vickery here handed the Magistrate the paper in question, and pointed out the paragraph complained of, of which the following is a copy —

"We understand that some representations have been made to the Magistrate who committed Mr. Fauntleroy, from a quarter deeply interested in seeing the ends of public justice duly fulfilled by his trial, on the culpable remissness with which he is guarded. His present place of confinement, unless some new order has recently been issued on the subject, is the upper part of the house of the governor of Cold-bath-fields prison, where his accommodations are as complete and full of comfort as the dwelling-house of any private gentleman. It would be invidious to dwell on the distinction made in this respect between Mr. Fauntleroy's case, and that of any other prisoner charged with crimes of such deep enormity; the safe custody of the person being the chief point, as regards public justice, to which importance should be attached. Mr. Fauntleroy, we understand, was visited by a gentleman who wished to confer with him on some particulars connected with the failure of the banking-house, of which he was a creditor; and who, contrary to what has been stated, found no difficulty in gaining admittance to the prisoner. He was much surprised, that on being introduced to the prisoner, so little caution was used, that he was suffered, without requesting it, to remain alone with him for several minutes. The disclosure of these facts in the manner first stated, has led to an investigation into the affair, and stricter precau-

tions, there is no doubt, are now adopted. Mr. Fauntleroy is said to have large sums of money in his possession."

Mr. Vickery reiterated, that not one part of the paragraph was true. Mr. Fauntleroy never resided in his (Mr. Vickery's) house; that he had been ever since he was first brought into the prison confined in the state rooms, which are at the extreme end of the prison, and at a great distance from his (the governor's) habitation. That Mr. F. was placed there by order of a committee of magistrates, and is the usual place allotted for gentlemen in the situation of Mr. Fauntleroy, and where three other gentlemen are now confined, so that no distinction whatever is made between him and any other prisoner, charged with crimes of such enormity. The medical gentlemen of the prison had reported Mr. F. as unwell, and that the nature of his complaint required air. The report was laid before the committee, and the gentlemen gave orders that he should be allowed to walk in the prison garden at a certain time of the day. This privilege had been also granted to other prisoners when they have been so reported. The prisoner is allowed whatever animal food he pleases, and generally his dinner consists of either a mutton chop, or a beefsteak, after which he is allowed a pint of wine, which other prisoners are also allowed. As to Mr. Fauntleroy having large sums of money about him, that, too, is false, he having had only *six pounds* since he had been in his (Vickery's) custody. He considered that the writer of the paragraph had stated those falsehoods with the intent that they should prejudice the magistrates against him, for granting to Mr. F. these comforts that were allowed to no other prisoner, as it would appear by the statement.

Mr. Conant told Mr. Vickery that the Bank Directors had communicated with him on the mode of treatment in the case of Mr. Fauntleroy, they having heard that he was allowed to reside in his (Vickery's) house; and he suspected from what quarter it emanated, and had accused the gentleman with having reported such a statement, he (Mr. Conant) expressing his conviction of its being false. It had been, in some degree, denied.

Mr. Vickery said, he knew who the gentleman was, his name was \_\_\_\_\_ but he would tell that gentleman to his face, that it was false, were he present.

Mr. Conant, advised Mr. Vickery to go to the Editor of the *Times*, and to desire an unqualified contradiction of the paragraph; and Mr. Vickery left the office for that purpose.

#### REMOVAL TO NEWGATE.

It was appointed to remove Mr. Fauntleroy from the House of Correction, Cold-bath-fields, at four o'clock; but in consequence of a very protracted visit to him by one of his legal advisers, the removal did not take place till a quarter past five. Precisely at that time, a hackney coach drew up to the prison door, inside the court-yard. A small trunk and a writing-desk belonging to the prisoner were immediately placed therein, and the prisoner himself instantly followed, with Mr. Vickery, the governor, on one side of him, and Brand, the turnkey, on the other.

Just as the prisoner was about to step into the coach, he shook hands very cordially with all the turnkeys about the door. He then stepped into the coach with a quick step, and apparently in better

spirits than on the day of his examination. He was instantly followed by Mr. Vickery, the governor, and Brand and another turnkey, named Christmas. The coach then drove off, and arrived at Newgate about half-past five, when the prisoner was in due form delivered by Mr. Vickery into the charge and custody of Mr. Wontner, the governor of that prison, according to the commitment.

The following is an exact copy of the commitment :—

“ Police Office, Marlborough-street,

“ To the Keeper of his Majesty’s Gaol of Newgate,  
or his Deputy.

“(Middlesex to wit.)—Receive into your custody the body of Henry Fauntleroy, herewith sent you, brought before John Edward Conant, Esq. one of his Majesty’s Justices of the Peace in and for the said County, by Samuel Plank, and charged before me, the said Justice, upon the oath of John Goodchild and others, with feloniously uttering and publishing, as true, in the city of London, a certain false, forged, and counterfeited letter of attorney, for the sale of 46,000l. Reduced Three per Cent. Annuities in the Capital Stock of the Governor and Company of the Bank of England, well knowing the same to be false, forged and counterfeited, with intent to defraud the said Governor and Company of the Bank of England, against the peace of our Sovereign Lord the King, his crown, and dignity. Him, therefore, safely keep in your custody until he shall be discharged by due course of law; and for so doing this shall be your sufficient warrant.—Given under my hand and seal the 21st of October, 1824.

(Signed)

“ J. E. CONANT.”

The room which Mr. Fauntleroy occupies in Newgate is carpeted, and is furnished with tables, chairs, &c. He expressed himself thankful for the arrangements which had been made for his reception. Mr. Fauntleroy observed to Mr. Vickery that he had slept better since he had been in the House of Correction than he had done for the last ten years before. His bedding was that which is furnished to all the prisoners. He every day sent for the chaplain of the prison, and conversed with him on religious topics, and frequently read in the bible. He also occasionally read other works. His manners, whilst he remained in the prison, were mild and affable to those with whom he came in contact; and it has been remarked that he never made use of a slang expression. The female whom he had under his protection was in a state of the greatest affliction after his removal. The prisoner, on his way to Cold-bath-fields prison in the coach, after his examination on Tuesday at Marlborough-street Office, declared to the two officers who accompanied him, that if he had ever so free and uninterrupted an opportunity of making his escape, he would not do so to the injury of Mr. Vickery, the governor, or Plank and the other officers who were with him.

#### MARSH, STRACEY, AND GRAHAM’S COMMISSION.

The first meeting of creditors under this Commission was held at the Office in Basinghall-street. The room was crowded at a very early hour, but little business of any importance occurred, as the time



of the Commissioners was occupied by swearing the creditors to the proof of their debts. In the early part of the morning, Mr. Basil Montagu, who attended as counsel for the petitioning creditors, submitted that the separate creditors of those bankrupts could not be allowed to prove their separate debts under this Commission, which had been jointly issued against three partners of the house, without an order from the Lord Chancellor.

Mr. Commissioner Law asked if there might not be some difficulty on account of the form of the Commission, which had only been issued against three out of four partners? He also wished to know whether there was any partnership existing between Marsh, Stracey and Graham, independently of that in which they were concerned with Mr. Fauntleroy?

Mr. Gordon, the solicitor of the Commission, answered this question in the negative; and with respect to the form of the Commission as being against three only, he produced a recent Act of Parliament, by which the whole estate of a partner was rendered liable to the claims of both joint and separate creditors. The Commissioners being thus satisfied as to the form of the Commission, said they would permit the separate creditors to prove their debts, with a view to an ultimate dividend, but such creditors could not be allowed to vote in any of the proceedings under the joint Commission.

Mr. Wm. Seymour applied to Mr. Commissioner Stringer on behalf of the Mary-la-bonne Charity School, to have the debts of that fund proved. He stated, that the funds were nominally under the management of a body of trustees, the number of which, however, was fluctuating and indefinite, as whoever was a subscriber of two guineas was entitled to hold that office.

Mr. Commissioner Stringer said, that he was afraid he could not at present allow the debt, without the signature of all the trustees.

Mr. Wm. Seymour explained that, in fact, the trustees had nothing to do with the management of the funds, the whole of which devolved upon him in the capacity of treasurer; and it rested with him to appoint two persons to draw from the bankers as might be required. The amount of the debt was 322l. 3s. 6d.

Mr. Commissioner Stringer remarked, that if Mr. Seymour was allowed to prove, it would be the trustees who would receive.

Mr. Wm. Seymour could not allow this: the funds were to remain in his hands as treasurer, and the loss, whatever it might be, would fall upon the Charity.

The proof of the debt was rejected for the present.

Mr. Clark, managing director of the European Life Assurance Office, Chatham-place, Blackfriars, applied for leave to prove his debt; the amount of which was about 47,000l., the whole of which, it was expected, was lying in Marsh and Co.'s bank in Exchequer bills.

Mr. Commissioner Law asked, if Mr. Clark was the only Director of the Assurance Company?

Mr. Clark replied in the negative. There was a large body of Directors; but he was duly authorised by them to sit in every case that might occur; his sole signature to any policy or cheque was held to be sufficient.

Mr. Commissioner Law observed, that this would not be sufficient authority in the present case. If there were a certain number of names inserted in the Act of Incorporation as Directors, the Commissioners would expect all those signatures, either in proof of the



debt, or in a power of attorney, to empower Mr. Clark to prove the debt.

The proof of this debt by Mr. Clark was therefore rejected. It was stated publicly in the room that Mr. Stracey, of the house of Marsh, Stracey and Co., is one of the Directors of this Assurance Office.

A gentleman applied to prove a debt, part of which was formed of money deposited in the hands of Mr. Fauntleroy for the purchase of Exchequer Bills.

Mr. Montague observed, that with respect to claims of Exchequer Bills, he believed there would be another difficulty. There could be no doubt that considerable sums of money had been received from various individuals for the purpose of being employed in the purchase of Exchequer Bills, but the amount was not known, and he feared the bills could not be produced. The question therefore would be, whether money said thus to be obtained by Mr. Fauntleroy on false representations, such as the application of it to a special purpose, which purpose was never fulfilled, or the money accounted for, could be allowed as a debt?

Mr. Commissioner Law thought, that if the bills had never been actually purchased, the money deposited in the Bank for that purpose, was, in effect, money had and received by the house to the use of the creditor, and could be proved as such under the Commission. The Learned Commissioner turned to the chief clerk of Messrs. Marsh and Stracey's house, and asked whether it appeared from the books that these Exchequer Bills had been actually purchased or not?

The Clerk replied, that they appeared to have been purchased. He was then asked whether there was any memorandum by which they appeared to have been afterwards sold, or otherwise disposed of? and he answered in the negative.

Mr. Commissioner Law said, he should advise the creditor to prove only for so much of his demand as arose out of his cash concerns at the Bank, and to leave the rest unproved for the present. If the bills had not been purchased, he could afterwards claim the money he had advanced for them as a debt against the house; but if they had been purchased, and were still in existence, he would be in a much better situation, as, instead of taking a dividend upon them, he could claim the bills themselves.

Mr. Montagu said, there was another question in this case, which was, whether, supposing the money to have been advanced to Mr. Fauntleroy, and never accounted for, it would not resolve itself into a felony, and leave the person advancing without any remedy as a civil debtor?

Mr. Commissioner Law thought that as the money had been advanced on a special and particular authority, the felony was destroyed, and the offence was converted into an embezzlement. Such would be the case if the bills had not been purchased, but if it should turn out that they had, and were still in actual existence, the creditor would be entitled to them.

Mr. Ayres, the provisional assignee, then entered the room, and produced a paper which purported to be a sketch of the present state of the banking-house.

Parts of this paper were read, the whole of which we insert below; it was, however, at this time objected to on the part of the Commissioners, as a paper, for the correctness of which they could not vouch.

On a question from Mr. Commissioner Law, Mr. Ayres stated that

the whole account was exclusive of any fraudulent transactions that there might be relative to India Bonds, or of any fraudulent transactions whatever, with the exception of the sum of 95,000*l.* which had already been demanded by creditors under the head of Exchequer Bills. Mr. Ayres, in addition, stated that the account was not so full and explanatory as he could have wished, owing to the Bank of England being indisposed to furnish any account whatever; this left the business, with respect to that point, in a very vague and confused state.

Mr. Law asked if the Bank of England held itself responsible for the frauds that might have been committed?

Mr. Ayres expressed his inability to answer this question—the frauds committed were of two or three sorts; he believed they were liable for some and not for others.

On a question about the Exchequer Bills, Mr. Commissioner Law was handed a letter, which had been that morning received from Mr. Fauntleroy (who, it was stated, appeared willing to render every information); it was directed to Mr. Gordon, Broad-street. After reading it, Mr. Commissioner Law said, that he did not think it proper that the letter should be made public; the declaration of Mr. Fauntleroy would be of no effect to the present Commission, and might prove prejudicial to himself on some future occasion. He considered the present Commission in the light of any other Commission of Bankruptcy, and in which the Commissioners neither oppose themselves to, nor assist the publicity of, any of the circumstances.

Several of the creditors here expressed a wish that the paper produced by Mr. Ayres should be read aloud *pro bono publico*.

The paper was accordingly handed to Mr. Montagu for that purpose, when Mr. Commissioner Law said, that he thought it necessary to state, on the part of the Commissioners, that they had nothing to do with the account therein stated; and that, therefore, to prevent their at all appearing in the business, he declared the Meeting then broken up. The creditors, however, were at liberty to have a Meeting among themselves, at which the paper might be read to them.

The main body of the creditors then retired to the further end of the room, and an Agent of the name of Wood got on a table, and read the paper in question to them, of which the following is a copy:—

#### A SKETCH OF THE CONCERNS OF THE HOUSE OF MARSH, TRACEY, AND GRAHAM, BERNERS-STREET.

To amount of Debts expected to be proved against the Estate	£366,988
To amount of Exchequer Bills and India Bonds claimed by different individuals, as having been deposited with the House, but which are not to be found, and supposed to be abstracted	95,000
	£461,988
Amount of Cash and Bills in hand	£155,000
Amount of Debts due to the House on Bonds and other efficient Securities	116,970
Amount of Debts due to the Firm for Overdrawn Accounts and Sums advanced on Loan, for a considerable part of which mortgage and other descriptions of securities are held	272,222

Interest due to a considerable extent on many of the above

Debts, which has not yet been calculated . . . . . Uncertain

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544,193

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Mr. Commissioner Law protested against this paper being put forth as sanctioned by the Commissioners under the bankruptcy. If he understood its purport aright, it stated that the very heart of the claims then known to the house amounted to 461,988*l.*, and the highest amount of the assets to be 544,193*l.*, exclusive of the uncalculated interest on a considerable part of that sum.

In the course of the day two gentlemen, one of whom was Mr. Thelwall, applied to the Commissioners to know if some plate which they had deposited in the banking-house, in sealed boxes, might not be delivered up to them by the messenger who had seized it under the commission? They both stated themselves to be creditors of the house on a cash balance, one of them having a claim to the amount of 4000*l.*

Mr. Commissioner Law said, the messenger would not be justified in delivering up the plate without an order from the Lord Chancellor, which could only be obtained upon an affidavit of the circumstances, or without the consent of the provisional assignee, and a written indemnity being given by the party. The gentlemen complained very much of the hardship of the case, and then withdrew, in order to make an application to the provisional assignee on the subject.

## SECOND MEETING.

Pursuant to advertisement, the Commissioners sat at the Bankrupt Court, to receive proofs of debts from the different creditors. Long before the hour appointed for the sitting, the room was filled by the creditors. They consisted of ladies (widows) and tradesmen, principally, with some of the more pretending order in society. Throughout the features of all there appeared an intense anxiety, which was not a little aggravated by the total want of punctuality on the part of the Commissioners. Before the Commissioners made their appearance, the clerks were employed in filling up the depositions of the different creditors, who had not already fulfilled that ceremony at the office of the solicitor to the Commission.

At half-past five o'clock, the Commissioners took their seats, and as soon as their approach was announced, there was a general rush to the table. Five Commissioners were employed simultaneously in administering the oaths to the creditors. The debts proved on this occasion were principally of an amount between 800*l.* and 1200*l.* There were several debts between 100*l.* and 200*l.* The confusion which prevailed after the business began beggars all description. The ladies, of course, expected to be waited on first; but they had to contend against some sturdy competitors for priority: some had their horses at the door, some again looked at their watches, and watched with agitation the progress of the hour to the moment when some suburban coach was about to start. Occasionally there was a cautious, agitated old gentleman, seen pacing the unfrequented part of the room, moralising on the unsubstantial nature of human prosperity. On the whole, though nothing official transpired, there appeared to be a general persuasion amongst the creditors, that things were not so favourable as they were at first led to believe. This opinion was not a little confirmed by the deportment of one of the Commissioners (of celebrated philanthropy), who,



whenever a creditor presented himself to swear to his deposition, took occasion to commiserate with him—"Ah, you here! I am sorry to see you, indeed." The debts were almost of a nature to require no examination on the part of the Commissioners. We must except, however, three or four instances, where creditors attempted to mix up the debts contracted by Mr. Fauntleroy with their claims on the firm. These attempts were resisted, of course, on the part of the Commissioners. One individual complained loudly of the injustice done him, by the refusal of the Commissioners to admit the proof of a considerable sum for an equipage of a very costly description. He represented, that the articles which he provided were such as the partner of a banking-house, of the extensive nature to which Mr. F. belonged, ought to possess; and, in short, that they were necessities, and ought to be charged to the partnership account, as much as the stationery used in the bank, or the house itself. However, upon this point the Commissioners were inflexible; and the indignant creditor was told he had no other resource but to levy his demand on the personal estate of Mr. Fauntleroy.

### THIRD MEETING.

At this meeting there was, if possible, more confusion than on the former, arising out of the anxiety evinced by parties to prove, and to enable them to vote for assignees, the choice of whom was fixed for this day. At the opposite end of the room to that at which the Commissioners presided, was a table upon which two lists of parties, to act in the capacity of assignees, were placed, for the signature of the creditors as soon as they had proved.

From the irregularity which reigned throughout the morning, in consequence of the number of persons collected in the room, we were unable to gather more of the proceedings than the few cases following:

A proof was taken from Masterman and Co., for 20,312*l.* 15*s.* 1*d.* upon an assignment to the firm, for an individual as a balance of a banking account.

The Secretary to the Stratford Club applied to prove upon 1500*l.* in India Bonds, and about 500*l.* the balance of cash in the house at the time of the bankruptcy. The firm had never received authority to dispose of the bonds.

Mr. Law—Mr. Hare (who is the provisional assignee), are you aware of the bonds having been in existence?

Mr. Hare—I have no doubt of the existence of the bonds, but they are not forthcoming.

Mr. Law (to the Secretary)—Are you a member of the club, Sir?

Secretary—No, Sir, I am not,

Mr. Law—Then, Sir, you cannot prove.

A Gentleman, the drawer of a bill, applied under the following circumstances:—He stated that he had lodged in the bankrupts' hands a bill of exchange drawn by himself previous to the issuing of the commission; the bill had become due since the bankruptcy, and had been dishonoured. His application was to know whether he must prove for the balance at the time of the bankruptcy (*viz.* 135*l.*), or whether he must deduct the amount of the bill, 50*l.*?

The Commissioners decided that the 50*l.* must be considered as a set-off by the firm, and the amount to be proved must be the balance when the 50*l.* is deducted.

A Gentleman had sent a bill of exchange to the bankers to receive the amount as agents when due; the bill was due on the Monday after the parties appeared in the Gazette, and the money was received by them. He now applied to know whether he was not entitled to the full amount of the proceeds of that bill.

Mr. Law said he certainly was entitled to the whole under those circumstances.

Upon question being put to the provisional assignee (Mr. Hare), he said, that since the last meeting there had been an increase of claim of about 20,000*l.*; but, notwithstanding that, there was still an excess of assets.

The two lists for the choice of the creditors, were, one—Messrs. Bollard, Hare, and Knight; the other, Messrs. Bollard, Hare, Lewis, Bushnell and Hutchins. The choice, we understand, fell on the first list; but in consequence of some opposition having been made by Mr. Goren, of the firm of Goren and Price, solicitors, in Orchard-street, Portman-square, who attended not only for several of the creditors, but for himself, upon the ground of undue influence having been used for the purpose of insuring the election of the list, consisting of three Gentlemen, the Commissioners proceeded to a scrutiny.

The final examination under the Commission to prove debts, being announced in the Gazette for nine o'clock on Saturday morning, Oct. 30., at the Commissioners' Court, Basinghall-street, the creditors to the estate attended in great numbers.

Several depositions (in addition to those already admitted) in proof of debt were put in; the gross amount proved was, however, by no means so considerable as had been anticipated.

Very great anxiety seemed to prevail amongst the holders of cheques on the house, to know what decision had been come to respecting their claims. This, however, was set at rest by a communication from Mr. Montagu, intimating that they would be admitted in proof, though not now, as the precise form in which they should be put in was not yet agreed on; but the cheque holders would have notice of the decision through the medium of public advertisement in the newspapers. This reply gave very general satisfaction.

At about half-past ten o'clock Mr. Montagu addressed the Court, and said, "I hold in my hand an order, signed by the Lord Chancellor, for suspending this examination, in the case of the bankrupts, Messrs. Marsh, Stracey, and Graham, for forty-nine days from this day, so that more ample opportunity will be given for the investigating the affairs of the house."—Though this enlargement may be treated as mere matter of course, and though no specific grounds were mentioned in the order, yet it is quite clear that there could be no thorough or satisfactory investigation of the bankrupts' affairs until the fate of one of the partners (and he, too, the acting partner) be definitively settled. He, of course, could give much important information; but at present, considering the delicacy of his own situation, it would be not only indecorous, but contrary to rule, to press him on a subject which might possibly affect himself. Besides the presence of the other partners was looked for, when this day was named for the examination, and their compulsory attendance in another Court of course precluded the possibility of their appearance here.

Like most other circumstances of a public nature in the metropolis, every hole and corner has been *ransacked* to procure anecdotes to furnish the columns of the numerous journals. The following have been selected as the most authentic:—

The various sums in stocks sold out under forged powers of attorney were generally entrusted by Mr. Fauntleroy to his partner, Mr. Graham, for disposal, as he was the one of the firm who most frequently attended to the business of the house in the city during the day. Mr. Graham, who had no sort of suspicion as to the nature of the instruments upon which he was acting, usually, according to the directions he received, sold out from the names of the trustees, and purchased in the name of Mr. Fauntleroy alone, or transferred from the one to the other. The stock being thus at Mr. Fauntleroy's own disposal, he himself sold out at his pleasure. The first instrument of this nature alleged to be found is, we understand, dated as far back as 1808: this was of course made use of, and the stock sold out under it, many years before Mr. Graham joined the firm; so that he could not have been made an instrument of on that occasion. Indeed, we believe, about that period, or soon after, Mr. Graham, who is a Colonel in the army, was employed on military service in the Peninsula, where, for several years, to the end of the campaign, he continued to serve under the Duke of Wellington, who has often spoken in the highest terms of his gallantry. On one storming enterprise, a sort of forlorn hope, he was the only surviving officer out of nine who entered upon it: he has been severely and repeatedly wounded in various parts of his body. Mr. Graham feels the ruin brought upon him as a peculiar hardship, as a partner in this banking-house, because the greater part, or at least a great portion, of Mr. F.'s practice had been carried on, as appears by the dates, long before Mr. Graham ever became a partner.

Mr. Fauntleroy, we understand, was admitted a partner into the house of Marsh and Co. more out of respect and compliment to his father after his death, who had been one of the original members of the firm, than on account of any property which he himself could bring into the establishment. His accurate knowledge of business, and the great facility with which he despatched and arranged accounts, soon made him an acquisition; and for some years past he has been almost the sole acting-manager of the business of the house. Mr. Marsh was a very elderly gentleman, we believe little short of eighty years of age, and could not of course attend much to business. Mr. Stracey spent the greater portion of his time enjoying the pleasures of the country. Mr. Graham, from the nature of his professional military life, a considerable portion of which was passed in the Peninsula, and the short time he has been in the concern, could not be expected to know much of banking or any other business. So that Mr. Fauntleroy may be considered as the firm himself in point of activity; and as far as capability to manage such an establishment, we understand there is not in London a man more worthy of such a trust; indeed, we have the authority of a very old and experienced banker for saying, that there is not in the whole metropolis one man that he would select in preference to Mr. Henry Fauntleroy, for a perfect acquaintance with, and knowledge of, the banking business. He was acquainted minutely with every description of public securities, both foreign and domestic: and could, in an instant, tell their respective and relative values.

Mr. Fauntleroy has, we understand, only one brother and one sister: the former is a highly respected and respectable professional gentleman. The anguish of the family at the dreadful situation of their relative is beyond description.

We have the following remarkable anecdote respecting this unfortunate person from a quarter on which we can rely:—It is now about twenty years since a young officer applied to the bank of



Messrs. Marsh, Stracey, and Co. and presented a bill for 600*l.* to be discounted. Many respectable names appeared as parties to the bill, amongst which was the name of a late Noble Earl of the sister kingdom, Lord K——; Mr. Fauntleroy, seeing so respectable a signature attached to it, advanced 60*l.* upon it, which was the sum asked for by the applicant. Subsequently it appeared that the bill had been forged by a young gentleman of respectable connexions, who had got an appointment to a regiment, but who would have lost it for want of means to procure an outfit, and, in the exigency of the moment, had recourse to this desperate expedient. Mr. Fauntleroy prosecuted the investigation of the matter, and detected the culprit, who had been enabled, by means of the supply which his guilty conduct had procured for him, to join his regiment. The noble Lord whose name had been forged, of course heard of the transaction; he inquired into the circumstances of the young man, and finding that he had up to that time borne a spotless reputation, rescued him from the penalty of the law, by paying the amount which Mr. Fauntleroy had advanced; and it is but justice to Mr. Fauntleroy to add, that throughout the transaction he evinced an earnest desire to co-operate with the Noble Peer in his erroneous, but scarcely reprehensible, benevolence towards this unfortunate officer. The name of the young man remains, we believe, a secret locked up in the breast of Mr. Fauntleroy, as Lord K—— is since dead, and, as might be supposed, never revealed it. He subsequently, we learn, became, and is now, a Field Officer, and the propriety of his conduct has proved him not unworthy of the compassion and forgiveness which had been extended to him."

#### MRS. HENRY FAUNTLEROY.

The unjust calumnies and unfounded assertions which have been circulated respecting this unfortunate lady, have induced a particular friend of her family to lay before the public the following statement of facts:—She is the daughter of the late Captain John Young, R. N., who for many years served his country with distinguished bravery and honour; and an intimacy having long subsisted between his family and that of the Fauntleroy's, after his death, Mr. H. Fauntleroy succeeded in gaining the affections of Miss Young, and a private marriage took place. When her brother discovered the error she had been drawn into, he instantly demanded of Mr. Fauntleroy to acknowledge her publicly as his wife, which he readily consented to do, but begged a short time might be allowed him for the arrangement of his affairs previous to the acknowledgment; during the interval which occurred, his immoralities being discovered, Mrs. H. Fauntleroy's family thought it advisable for her to separate from a man of such dissolute habits; and she has ever since lived under the protection of her mother. The propriety of her conduct is the best testimony that can be offered of her moral rectitude and virtue, and must in the end defeat the efforts of malevolence and scandal.

An article appeared in most of the London papers, relative to Mr. Fauntleroy, containing a long detail of alleged acts of profligacy, which struck us at the time as bearing evident marks of exaggeration. We have since made inquiries on the subject, and are now enabled positively to contradict many of the statements; and, knowing the accuracy of the source from which we derive our information, we shall pledge ourselves for the truth of what we state. It is generally believed that Mr.

Fauntleroy has been a victim to, among other things, the vice of gambling; this is as groundless as the rumour which we lately contradicted of his having been involved in difficulties by building speculations in Brighton. Billiards was almost the only game that he was in the habit of playing, and at this he never hazarded more than a shilling, nor at his own table would he suffer others to do so, it being with him a pride to say that a larger sum was never lost in his house. At whist he also occasionally played, but he was seldom known to exceed crown, and never guinea points; nor can we learn that he was in the habit of playing at any other game. Much has been said of Mr. Fauntleroy's intimacy with Mrs. Bertram, alias "Mother Bang," who, by the bye, is a Brighton woman, and well known here by the name of Kent. We know that he has not seen her for a period of several years. It was also said, that Mr. Fauntleroy frequently visited the continent, and spoke fluently several foreign languages. On the contrary, he was never out of England for more than a few hours, and spoke no living language but his own. What is said of his intimate acquaintance with banking business is perfectly correct. His wife (from whom it is, we believe, also true that he separated on quitting the church after the nuptial ceremony) has resided at Tunbridge Wells, occasionally visiting Brighton and other watering places, but never going to London.

The establishment of Mr. Fauntleroy in Surrey was by no means on so extensive a scale as has been represented, the house being really a small one; nor is it true that he had any establishment at the west end of the town, as has been stated, or indeed any other place except Brighton; the one referred to was in the suburbs of London, in the neighbourhood of Lambeth or Vauxhall, and so little was it known, that the peace officers had considerable difficulty in finding it. It is also untrue that the female who resided there was brought by Mr. Fauntleroy to this country from Paris; although she was educated in France, she is an Englishwoman, and her name was Miss F———, but she afterwards assumed the name of Mrs. F———. She occasionally visited Brighton, but when she did so, she occupied a separate house or lodgings. It has been reported that Mr. Fauntleroy was in the habit of bringing females of a certain description to his residence here; this is not the case, nor is it, we believe, true that Mrs. K———, a lady well known in Brighton, and who is now living here in great style, was formerly under his protection, although he was acquainted with her. Mr. Fauntleroy, when at Brighton, lived in a very quiet way, as we learn from those who have dined with him, his dinners being as remarkable for their plainness as his wines were for their excellence; he kept no plate in the house, bringing it with him from London: and his establishment consisted only of a gardener, and, we believe, two female servants. In addition to what has been said above, Mr. Fauntleroy never entered a gambling-house in his life.

Such is the information we have collected from peculiar and private sources; and the result only serves to involve the case in still greater mystery than before.

As the name of *Mother Bang* has often been introduced as one of the persons who assisted in the dissipation of vast sums belonging to Mr. Fauntleroy, the following letters may tend to throw some light upon that circumstance:

SIR,—I need not tell you that, "what is sauce for the goose is also sauce for the gander," which old English vulgar saying may be properly applied to the present disgusting subject, as to the propriety or im-

propriety of publishing any thing criminary or otherwise, regarding Fauntleroy or his acquaintances; but as nearly the whole of the London journals have insinuated that Fauntleroy has been made the dupe of others, but none of his cronies have been named, excepting the unfortunate female, M. A. Kent, alias Mrs. Bertram, whose name, with manly and unnatural feeling, was placarded by one of the Sunday papers belonging to Mr. C.—— of the M—— C——, which paper has had the assurance to commence, for the sake of lucre, a false account of the life of the unfortunate woman in question, whose first and greatest misfortune was, her being born of poor parents, and with a larger share of personal attractions than generally possessed by her sex; and from whom I have received the accompanying letter, which, conformably to the wish of the poor woman, I send to you to use as you think proper.—I will not at present make any other comment on the letter, than to say that I believe it gives a true account of what took place prior to the death of the unfortunate Charles Bradburn, although it differs widely from the account given to me by Mr. Fauntleroy himself, of the part which he acted in the last scene of the tragedy: for he said that he was actually in bed with the unfortunate woman when Lander took him into custody, prior to which, he had often spoken to me in the highest praise of Mrs. Bertram's charms, &c., and wished very much to introduce me to her acquaintance, which I always declined.

I remain your's most obedient,

October 22, 1824.

J. W. PARKINS.

Copy of a letter from Mary Ann Kent, alias Mrs. Bertram, to J. W. Parkins, Esq.

"SIR,—It rejoiced me to meet you, as I did by accident in the Park this day week, as I wanted to see you very much. Although I had often heard of you, I had never seen you for the last six years, when you drove me and a party in your barouche to Doncaster race-course, at which time you said you were travelling down to the North, in pursuit of your servant who had robbed you. Since then, I have had many ups and downs in the world; but never any thing hit me so foul a blow as what has appeared in the newspapers since your friend Fauntleroy's apprehension, particularly in a blackguard Sunday paper, called the *Life* in London.

I now request you, as a lover of truth, and a friend to every one, even the greatest strangers, when they are wronged, to do me justice, as no one has been more belied than my unfortunate self, as you know, particularly as regards my acquaintance with Fauntleroy, which commenced by his calling on me, to pay his compliments, as many a better man has done—aye, even the first man in the kingdom. Fauntleroy never was a favourite of mine, on the contrary: and had I known him what he has turned out to be, he never should have entered my doors; which, perhaps, he may have done twenty times in his life, and that always in a sneaking shabby way by himself; although he often spoke of you, and promised to introduce you to me, when you first arrived from India, but he never did. Instead of Fauntleroy being extravagant, he behaved very shabby to me: and called many times without leaving me *sixpence*, and used to make it up by giving me a *drive* down to his cottage at Hampton, on the Saturday night, and to come back on the Monday morning. But I never saw either young Flats or old Sharps at his house, or any gam-



bling whatever, and only met the same party—three or four men who seemed to be his old acquaintances—a Mr. R——d, a Mr. V——n, and a Mr. B——n, and another or two of the same sort of stale pen and ink fellows, whose names I cannot now recollect. I never in my life was in the keeping of Fauntleroy; nor did I ever keep a house or lodge in Parliament-street; and the last time in my life, that I saw Fauntleroy, was a day or two after the death of my unfortunate friend Bradburn, six years ago; and then Fauntleroy happened to call upon me, as you or any other gentleman might have done, and he had not been long in the room when Jack Lavender called upon me, about eight o'clock in the evening, and said that he had got a warrant for me, (which was a *lie*,) to take me to Queen-square Police Office, and that I must go with him. On my leaving my house with Lavender in a coach, Fauntleroy gave me a trifle of money to bear my expenses, and said he would write to his friend, Mr. Plastow, magistrate at Queen-square police, in my behalf. Lavender took me to his own house, where he kept me all night, trying to get me to say that the dice which the vagabonds had made use of in playing with my dear friend Bradburn, were *loaded*; as they did also the next day at Queen-square, and they made me sign some paper, the particulars of which I do not recollect; but I declare to you and God, that I am quite innocent of any thing against my dearest and *best* friend Bradburn, who allowed me 400*l.* a year, *which* I lost by his death, and at which time I was with child by him; and as the truth of that story was never fairly told, I will tell you all about it, although it hurts me to recollect it. On the evening in question, I was invited by Andrews, who gave me a ticket to go to the masquerade at the Argyll-rooms along with him and Mrs. Darnley. When we arrived there, we met poor Charles Bradburn and his brother Frederick Bradburn, with their friend Charles Dowding. They then asked me to join their party, which we did; and after taking a few glasses of wine, and spending the evening very agreeably, C. Bradburn said he knew where to get a better bottle of wine, for that which we were drinking was, he said, d——d bad stuff; accordingly we all agreed to go home to my house to take a bottle of Champagne, when Captain Wallace, who was a friend of Andrews, came up to Andrews, and said, "Where are you going?" Andrews replied, "We are going to Crawford-street; will you come?" whereupon he got into the coach with us. The party sat down to drink, and became very cheerful, and some of them proposed to toss for a dozen of Champagne, or silk stockings, as a present to myself, which I believe Wallace lost. I had the wine in my house, which was accordingly brought up, and Andrews then asked if I had a backgammon board; I told him no, nor had I ever such a thing. He then sent my footman for dice and a backgammon board to Long's. Wallace, Andrews, and the two Bradburns, and Dowding, sat round the table, to play; and I, having drank rather freely of the Champagne, had become rather drowsy, and I layed down on the couch to sleep, some time after which, I was awoke by a dispute between Wallace and my friend Bradburn, about a check for two hundred pounds for money lost, which Wallace said was no payment, and threw it into the fire; on which Charles Dowding and Frederick Bradburn said, "Do you mean to insult Mr. C. Bradburn, by saying his check is not good for 200*l.*?" and swore, that his check and word were good for as many thousands. They afterwards got to very high words, on which, I said I would allow of no playing in my house; but I could not, unfortunately, prevail upon them to leave off. They were all so bent upon it, that they joined in making me drink

more Champagne, and I became quite tipsy, and knew nothing more of what had been done until the next morning, when Bradburn waked me, and said, that he was in very great trouble, as he had lost with Andrews and Wallace upwards of 1800*l.*, and if it came to his partner's ears, it would be the ruin of him. I told him he was a fool if he paid them a farthing; and that if Wallace and Andrews had lost so much to him, they had not so many farthings to pay it. He said it was too late, for he had given them his check for 350*l.*, and his promise to pay the remainder; on which I begged him to get out of bed, and go to the bankers and stop the payment of the check. On his return back, he informed me they had already been there and got the money, at which he seemed very much distressed, as he understood that Andrews and Wallace, along with a female of the name of Walker, of Crawford-street, had been to his residence in the city, to make him pay the remainder. I advised him above all things not to pay the money; and it was agreed that he and I should go out of town the next morning. Charles Bradburn, his brother Frederick, and Mr. C. Dowding, dined with me that day, and Mr. Charles Bradburn left me to prepare his tilbury, and that we were to leave town the following morning; but he, poor fellow, never returned, and wrote me a note to say that something prevented him. The first account I had of my dear friend Bradburn, was, that he had gone up stairs and found a brace of pistols at his residence, one of which had been loaded for many years, and with which he blew his brains out. This intelligence, of the death of my friend, and the father of my child, I had from Jack Lavender; and at the time, Fauntleroy was sitting with me on the couch, which intelligence grieved me so much, that it made me miscarry. The above is a true statement of the real facts, to which I sign my name, and of which you may make what use you think proper, in vindication of my character, which I am sure you will, as I have heard you say, that the "devil shall not be made blacker than what he deserves," if you can help it; and I remain, Sir—Yours very respectfully,

(Signed)

"MARY-ANN KENT,

or if you please,

"MARY-ANN BERTRAM."

"P. S. You must excuse me giving my address, as I have ever since I left Crawford-street, retired from public life."

The following letters are inserted merely to shew the distressed state of the firm of Messrs. Marsh, Stracey and Co.:—

To the Editor of the Sunday Times.

SIR—Mr. Fauntleroy, or his partners, by his directions, having thought proper to supply Harmer, Fauntleroy's Old Bailey attorney, with several of my private papers and documents, more particularly a check of mine for 6000*l.* drawn upon the firm of Marsh, Stracey, Fauntleroy and Graham, in favour of the Rev. Edward Finch, which check he, Fauntleroy, and his partners denied having in their possession on the 2d June last, as you may perceive by their Notes, No. 1 and 2, which I herewith send, with other copies of correspondence and original letters, as they will throw a light on the extraordinary conduct of those bankers, of whom I had the highest opinion until my suspicion was excited in the beginning of 1818, when I was informed by a gentleman from the Bank of England, that the firm of Marsh, Stracey and Co., could not, on their united responsibility, raise 15,000*l.*! This re-

port would not have been credited by me had not Fauntleroy, a considerable time prior to this, applied to me to place a few thousands in their hands at interest, which I did to a considerable amount; and which, with other suspicious circumstances too numerous at present to enumerate, induced me to demand, promptly, my Exchequer Bills, 23,000*l.*, left to be taken care of by them, which demand on Fauntleroy created considerable difficulty and embarrassment. However, I fortunately obtained the amount of the Exchequer Bills, and a considerable sum in cash, leaving my account unsettled, which was never balanced up; nor have the checks or vouchers for the last 10,000*l.* debited in my pass-book, been delivered to me to this day, although I have applied for them for the last six months, if only to satisfy myself that the checks are genuine, and not forgeries, on which the money is said to have been paid.

I also send you copies of a curious correspondence between Fauntleroy and Graham and an honest tradesman, who has sent it to me, and who (by the failure of the bank in Berners-street, and the threat of being arrested at the suit of Fauntleroy, although himself confined in prison for fraud and forgery) has been compelled to apply to me for pecuniary assistance. The gross mismanagement of, and neglect in, a late prosecution which I was advised by counsel to institute against one George Hicks, the Rev. Edward Finch, and Thomas Acton Wollaston, for obtaining from me the 6000*l.* under false pretences, and whose letters of recrimination and accusation against each other were in Court, but not produced, have rendered this exposure necessary in my own defence; which transaction, Harmer (the attorney) has impudently perverted, in a notorious Sunday Paper of which he is the principal proprietor: but I hope there is still some redress to be obtained for, Sir, your very obedient servant,

No. 9, *Essex-street, Strand*,  
8th Oct. 1824.

J. W. PARKINS.

As the Correspondence which Mr. Parkins has sent us (alluded to in the above letter) would form a quarto volume, it cannot be supposed that we can make more than a partial extract from it. From the tenour of the whole, however, it is evident that Mr. Parkins had placed a good deal of confidence in the house in Berners-street, until circumstances (mentioned in his letter) rose his suspicions. Mr. Fauntleroy's letter, annexed, relative to the party walls, serves to show the attempts he is making to convert all his property and debts into ready cash; and the certificate from Mr. Graham, in support of the property in question being exclusively Mr. Fauntleroy's, is calculated to give rise to some curious reflections. Mr. Parkins also complains loudly of the sumptuous style in which Mr. F. is now living, and of his having very recently disposed of his equipages, to put the proceeds out of the reach of his creditors.

From Mr. H. Fauntleroy to Mr. Jos. Stephenson.

SIR,—I have directed Mr. Wm. Kerie, Solicitor, to apply to you for the payment of —*l.*, being the amount due to me for party walls, and being my own sole property. For your satisfaction I have requested Mr. Graham to certify this, and I have to request your settlement forthwith. I remain, Sir, your very obedient servant,  
- *London, Sept. 24, 1824:*

HENRY FAUNTLEROY.



From Mr. G. E. Graham to Mr. Joseph Stephenson.

SIR,—I am given to understand, from Mr. Wm. Kerie, that you are desirous to know if the debt due from you to Mr. Fauntleroy, for half party walls, &c., is his own estate. I beg to state that it is so, and that I alone superintended it for him, as being in my neighbourhood; and being engaged in other works of a similar nature for our firm, he looked to me for advice in the matter. I remain, Sir, your obedient servant.

27, Bryanstone-square, Sept. 24, 1824.

G. E. GRAHAM.

To Mr. Fauntleroy.

SIR,—I was in hopes that your answer, which I have just received by the two-penny post, would have saved me the disagreeable trouble of again addressing you; but both public and private justice requires this additional sacrifice of my time and feelings, to state that, immediately after the trial of Hicks, at which I stated, on the credit of your and the whole posse of your clerks' verbal declaration, as also Mr. Stracey's written one, in reply to my note to you, that the check for 6000*l.* drawn in favour of the Rev. Edward Finch, was not in existence—Immediately, I say, after the above trial, I wrote to Mr. Stracey, inquiring into this extraordinary dereliction and breach of trust, to which and several other written and personal applications for a whole week, I received nothing but verbal evasions, as I did also from the bank in Berners-street, excepting from one of the clerks, who stated that you had written a note by Harmer to your partner, Graham, to deliver up my check, and other documents, to Harmer; on which I called upon Plank, the police officer who apprehended you, and desired him, which he promised to do, to ask you whether you had done so or not; and at the same time observed to him, that I could not believe it possible that you had acted such a part, and used the emphatic expression, that, “neither you nor the devil should be made blacker than what you deserved, if I could help it.” And although the injury to me, and the defeating the ends of justice, is equally the same, whether it proceeds from you or any other of the members of the bank; yet it is always some satisfaction to me to know by whom it is that I am injured; and I must beg to observe, that it is passing strange that you should give me so much trouble, ten or twelve days personal attendance at the House of Correction, and at least a dozen letters, and that you should only this day condescend to favour me with a direct answer to the following plain question,—“Did you or did you not give directions for my check and papers to be given up to George Hicks's attorney, as also your own attorney—the noted James Harmer? and for fear you have not kept a copy of your laconic answer to my note, I subjoin it:

“I knew nothing of the papers \* mentioned in your letter having been given up, until I saw the report in the newspapers of the following day. Your obedient servant,

“Wednesday, Sept. 29.

H. FAUNTLEROY.”

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\* It was not for the papers (my will and other documents which, in my confidence, I entrusted to Captain Salmon, and he to your partner, prior to my arrival in England from India) that I applied for to you and Stracey; but my check for the 6000*l.*, which had been obtained from me under false pretences by Hicks, Wollaston, and Finch.

I now, Sir, take leave of you, but still shall look to your partners to account to me for this extraordinary dereliction of duty and breach of trust, at which twelve of the principal bankers of London, to whom I have written, express their horror and indignation; but as yet I have refrained from making it known to the public, which it is my duty to do—and I am, Sir, your obedient servant,

J. W. PARKINS.

From Mr. Stracey to J. W. Parkins, Esq.

Mr. Stracey presents his compliments to Mr. Parkins, and trusts that the multiplicity of most anxious business in which he has lately been engaged, will plead his excuse for not answering sooner Mr. P.'s note respecting the check for 6000*l.*, especially as from Mr. S.'s situation he has been prevented from going to the banking-house for some time past, where only the information could be obtained. Mr. S. recollects that on the receipt of Mr. P.'s note respecting it, he was informed that the check had been returned to Mr. P., and he informed Mr. P. accordingly, and that although he could not have the check, still he could have the numbers of the bank notes with which the check was paid. Much then was Mr. S. surprised when he was informed upon his enquiry, owing to Mr. P.'s late note, that the check had been found, and had been delivered, upon legal demand, to Mr. Hicks's attorney. As, then, the check is now known to be in existence, Mr. S. trusts that it will equally answer Mr. P.'s purposes.

*Monday, October 4, 1824.*

The following letter is no ways in connexion with the present transaction, and written under very different circumstances:

My Dear Parkins—Your letter I have duly received, and as your wants may be pressing, I have sent you 50*l.* a bank-post letter, payable to your order, and a letter of credit for what you may require extra. I have been looking out for you in town these three or four days, as we have a dance this evening, and lots of pretty girls, and I know you are an admirer of them;—I really do not know a soul in your Salisbury-place neighbourhood, but I dare say the bankers will tell you every thing worth seeing in the neighbourhood. I should like to see the four bloods. There only wanted one thing to complete it, instead of the man by your side, a beautiful angel. Then the view would have been perfect. I remain, ever yours,

HENRY FAUNTLEROY.

*London, May 23d, 1816.*

Many curious traits in the character of Mr. Fauntleroy are at present in circulation; but where the anxiety to obtain them is so great, several are likely to be fictitious. A singular proof, however, of the self-possession with which he went through his work of deception, has been related to us on unquestionable authority. One day he called at the Bank of England, and handed over to one of the clerks a forged power of attorney for the transfer of stock, which was held in his name and that of another person, whose signature he had counterfeited. While the clerk was glancing over the paper, the very person whose name had been abused, happened to enter the Bank. The moment Fauntleroy perceived him, he with amazing presence of mind, turned towards the clerk, and saying that he had forgot to insert something in

the power of attorney, begged it to be given back to him. The request was complied with. Afterwards advancing towards his friend, he shook hands with him in the most cordial manner, and walked with him out of the Bank. As an instance of the utter indifference with which he looked upon the victims of his guilt, it is said that he was in habits of intimacy with almost all the parties whom he robbed; and that long after he had squandered all their money, and while he was paying their dividends, he used frequently to attend companies at their houses, and to invite them to his own in return.

Mr. Fauntleroy had a rather superior collection of books, not, however, exceeding one thousand volumes, at his residence in Berners-street. Many of them are valuable works. Amongst them is a "Pennant's London illustrated," which has already made some noise with the curious in books. It is one of the folio copies, of which a limited number was printed; and it has been so bound as to admit prints or drawings of all the places, persons, &c. mentioned by Mr. Pennant. It was illustrated by Mr. F. at the expense of several hundred pounds; where prints or copies could not be obtained, he was at the charge of having original drawings made specially for himself. Some of Pennant's London illustrated, have sold for 30*l.* and 40*l.* each: but this is considered by far the most perfect copy that has yet been prepared. It has been honoured, too, with the inspection of Majesty, the copy having been borrowed for such purpose; and in the volume there is a Royal letter, acknowledging the loan. The volume also contains some autographs of memorable characters. In the library, over the mantle-piece, &c. there are some good paintings by Domenichino, &c.

The most extensive forgery of this description charged upon any person next to the present, to which, however, it bears but a slight comparison in point of amount, that we can recollect in this country, was that committed about thirty years ago by a gentleman named Weston, who, at that time, moved in the very first society. This man forged the signature of General Toning to a document which enabled him to get possession of 25,000*l.*; and for the forgery he was tried and executed. Weston was extremely intimate with one of the then head clerks in the Bank of England, by whose assistance, it was afterwards discovered, he was enabled for a long time to keep the forgery concealed.

The night before Weston's execution, the Bank clerk passed the night with him, and they supped together very heartily in the prison upon cold lamb and cucumbers. In a few weeks afterwards, the clerk himself was discovered to have committed other forgeries, and, on his being apprehended, he contrived to find means of putting an end to his existence by cutting his throat.



## TRIAL OF MR. H. FAUNTLEROY.

OLD BAILEY.—*Saturday, October 30.*

The Grand Jury of the City of London having found true bills against Mr. Fauntleroy on the several charges of forgery preferred against him, his trial was appointed to take place this morning. The interest created by this gentleman's case, from his first apprehension, and the magnitude of the offences imputed to him, naturally led to the anticipation that public curiosity would be greatly excited during his trial, and that the desire to be present during the proceedings would induce an extraordinary effort to be made to obtain places in the Court. To obviate any inconvenience which might result from this feeling, the Sheriffs (Mr. Alderman Brown and Mr. Alderman Key) felt it their duty to take such steps as would prevent the introduction of more persons than the space allotted to auditors would conveniently hold, and with this view they directed that no persons should be admitted to the body of the Court who were not provided with tickets signed by themselves.

The Students at Law claimed the exclusive privilege of accommodation in the box entitled "the Students' Box," which is usually occupied by the Gentlemen of the Press, many of whom are not Students; and to obviate any inconvenience resulting from the circumstance, the Sheriffs appointed another place for the reception of the Reporters, who were provided with the necessary certificate of admission. The place chosen was near the Jury-box, and a temporary desk and seats were prepared for their use.

The tickets issued to the immediate friends of the Sheriffs were necessarily limited, and we have been informed that many persons of rank, although extremely anxious to gain admission, were disappointed.

The galleries of the Court, being private property, and under the control of particular Officers of the Corporation, they of course did not come within the arrangements of the Sheriffs, and formed sources of profitable speculations to others. The sum required for admission to these places was a sovereign for each person.

It was announced that the doors of the Court would be opened at eight o'clock, and individuals furnished with tickets were desired to be in attendance at that time. Long previous to the arrival of the hour fixed, the throng began to assemble, but the number collected did not exceed thirty or forty, and many of them were Jurymen: so that the expectation of an oppressive crowd proved in some measure unfounded. The precautions taken were, nevertheless, of the utmost importance, as even during the ordinary business of the Court, it requires some pains to prevent interruption from the desire of persons to hear the trials. Soon after eight o'clock, the Students' box and the place set apart for the Reporters were completely filled, and as the morning advanced, other persons provided with tickets continued to arrive. The state of the galleries, however, proved that the public in general were not disposed to gratify their curiosity at any very heavy charge, for on looking round, at nine o'clock, we did not observe

more than twenty individuals collected, nor did the avenues of the Court present any thing unusual in their appearance.

Among others who gained admission by tickets to different parts of the Court, we noticed the Earl of Montford, Lord Nugent, Mr. Irvine, M. P., and the Governor and Sub-Governor of the Bank of England. There we several Aldermen in attendance at an early hour, including Sir James Perring, Sir James Shaw, Mr. Alderman Wood, Mr. Alderman C. Smith, &c.

In the course of the morning, Plank, the officer, of Marlborough-street, entered the Court with a large pile of account books connected with the proceedings. Mr. Ex-sheriff Parkins was likewise in attendance, and seemed to feel an extraordinary desire for the commencement of the trial, as well as no small apprehension that some unforeseen circumstance might produce a delay. With regard to Mr. Fauntleroy himself, we understand that on Friday evening he had a long conference with his legal advisers, and again this morning. In his manner, he was perfectly cool and collected, and betrayed little of that nervousness which his friends had anticipated. He has recently been visited by many of his private friends, and from one of these, we have heard, he declared that the firm in Berners-street ought to have stopped in 1808; from whence it may be inferred, that it continued in a state of embarrassment for the last sixteen years; to avert the consequences of which, rather than for the gratification of private extravagance, it is said, the crimes imputed to him have been committed. The truth on this subject will, no doubt, ultimately come forth.

At nine o'clock, Mr. Serjeant Arabin took his seat on the bench, and the Court was opened in the usual form. The Middlesex jury then took their seats in the jury box, and several prisoners, charged with minor offences, were put to the bar to plead. The London jury remained in the box set apart for the jurors in waiting.

At ten o'clock, Mr. Justice Park and Mr. Baron Garrow took their seats on the bench, accompanied by the Lord Mayor. The Attorney-General entered the Court at the same time, and took his seat at the table, next Mr. Freshfield, the Bank solicitor.

Proclamation of silence was then made, and, at five minutes past ten o'clock, Mr. Henry Fauntleroy was conducted to the bar, between the two City Marshals, the head turnkey of Newgate, and accompanied by Mr. Harmer, his solicitor. He was dressed in a full suit of black, and the firmness which he displayed in the morning seemed for the moment to have deserted him, when he was exposed at the bar to the gaze of the Court. His step was tremulous; his face pale, and much thinner than when he was first examined at Marlborough-street; his grey hair had rather a lighter hue, as if from the mixture of a little powder; he never, for one moment, raised his head, but placing his hands upon the front of the dock, stood with dejected mien, while the preliminary forms of the trial were arranging.

The Deputy Clerk of Arraignment opened the business, by addressing the prisoner at the bar in the usual form, and arraigning him upon seven different indictments for forgery, in the following manner (the first):

"Henry Fauntleroy—you stand indicted, for that you on the 1st of June, in the 55th year of the late King, in the parish of St. Mary-la-bonne, did feloniously and falsely make and forge, and counterfeited a certain deed, purporting to bear the name of Frances Young, for the transfer of 5450*l.*, Long Annuities, of her monies, in the stocks,

established by the Act of the 5th of the late King George the II., with intent to defraud the said Frances Young of the said stock.

A second count laid the crime, as with intent to defraud the Governor and Company of the Bank of England.

A third count laid the indictment, as for causing the said instrument to be forged.

A fourth count, for feloniously uttering and disposing of the said instrument, knowing it to be forged; and there were three other counts, varying the mode of specifying the charge, according to the technical subtleties of pleading. When this abstract of the first indictment was read,

The Deputy Clerk of the Arraignment asked the prisoner—"Henry Fauntleroy, how say you—are you guilty or not guilty of the said felony?"

The prisoner, in a faint voice, replied, "Not Guilty."

The Deputy Clerk: "How will you be tried?"—The prisoner, still in the same low tone of voice, and prompted by the Governor of Newgate, answered—"By God and my country."

The prisoner was then successively arraigned on the following six indictments:—The second, for that he, on the third of June, in the 55th year of the late King, in the parish of St. Mary-la-bonne, did falsely forge and counterfeit, and cause to be falsely forged and counterfeited, a certain transfer, purporting to be that of Frances Young, for 5000*l.* of her annuities, with intent to defraud her. The forgery and fraud were also laid as in the first indictment, as with intent to defraud the Governor and Company of the Bank of England. There were counts also for the wilful uttering and disposing of the same, with a variation of the names alleged to be defrauded.

The third indictment, which was laid in the same technical form as the preceding, was for forging the transfer of the stock held in the name of T. Lyster, Esq. of Wexford, in Ireland, and uttering the same.

The fourth indictment was for forging a transfer of 3000*l.* stock, also uttered in the same name as the foregoing, on the 16th December, in the 60th year of the late King's reign.

The fifth indictment was for forging the transfer of 435*l.* stock, to defraud the Bank and John Griffiths, on the 30th June, in the fourth year of the present King's reign.

The sixth indictment was for, on the same date, forging and putting away a transfer of 500*l.* stock held in the same name; and the seventh indictment was for forging and uttering, on the 2d of Nov. last, a power of attorney to transfer 5300*l.* annuities, entered in the name of Jacob Tubbs. To each of these seven indictments the prisoner, in the same subdued tone of voice, and without raising his eyes from the bar, pleaded Not Guilty, and put himself for trial "upon God and his country."

The reading of the indictments occupied the Court 25 minutes. Towards the close of the reading,

Mr. Gurney rose and applied to the Court for permission to have the prisoner accommodated with a chair at the bar.

Mr. Justice Park.—The application is of course made on the ground of the prisoner's indisposition.

Mr. Gurney.—Certainly, my Lord.

Mr. Justice Park.—O, then, let him have a chair.

A chair was immediately handed to the prisoner, who sat upon it at the right-hand corner of the dock, leaning his head upon his hand, and



covering the greater part of his face with a white handkerchief; his whole demeanour being at this time that of a person labouring under deep despondency.

The prisoner having pleaded, Mr. Justice Park informed the Middlesex Jury, who sat in the box, that they must remove to make way for the London Jury. His Lordship said, that having understood from the officer of Court, that the indictments were laid for offences committed within the jurisdiction of the city of London, the prisoner must necessarily be tried by a London Jury. As, however, there were other indictments against the prisoner, it might be necessary to have a second Jury remaining in Court.

The Foreman of the Middlesex Jury:—What is the probable time, my Lord, that it may be necessary for us to remain?

Mr. Justice Park.—I cannot pretend to say; I know nothing of the indictments, except what I have heard during their reading in Court. Of course I have perused the usual depositions transmitted to the Judges, but I know nothing further. I merely throw out the hint of the possibility of a second jury being necessary, without being able to say at all whether it is probable, or not, that their attendance will be required.

The Middlesex Jury then retired from the box to make way for the London Jury.

The Deputy Clerk of Arraignment again addressed the prisoner: “Henry Fauntleroy, these good men, whose names you will hear called over, and who do appear, are to pass between our Sovereign Lord the King, and you, life and judgment. You can challenge any of them; and if you do challenge, you will do so, therefore, when they come to the book to be sworn, and before they are sworn, as you are empowered.

The following Jurors were then empannelled without challenge, and the prisoner committed to their charge upon the first indictment, for forging and uttering the transfer of 5000*l.* Long Annuities, held at the Bank in the name of Frances Young:—

John Keeley, Foreman:	John Procter,
John Mowatt,	Thomas Driver,
Thomas Reeve,	Abraham Agar,
Edward Joice,	Thomas Clarke,
Job Elliot,	Thomas Jones,
Job Horton,	William Witchurch,

Mr. Law read the abstract of the indictment.

The Attorney-General then rose, and stated the case for the prosecution as follows:—“May it please you, my Lord and Gentlemen of the Jury,—You have heard, during the reading of this indictment, that the prisoner at the bar stands charged with fraudulently forging and uttering a certain power of attorney for the transfer of certain stock, entered in the Bank of England in the name of Miss Frances Young. It is my duty on the part of the prosecution, to state to you the circumstances out of which, according to my instructions, the present prosecution has sprung; and afterwards to lay before you the evidence which I have to offer in support of this indictment. In discharging the painful duty which has thus devolved upon me, I am bound to confine myself implicitly and strictly to a statement of facts. This is a criminal charge, and in such a one, I am more especially

called upon, when the life of a prisoner is involved in the result, and where his counsel are precluded by the rule of law, from reply to any general statement of counsel for the prosecution. I am, I say, in such a case more peculiarly called upon to abstain from any effort calculated to excite your feelings, or from giving any undue colouring to the facts. If, therefore, I were in the slightest degree to aggravate the facts, which, according to my instructions you will have in the regular course of the trial before you, I should not do my duty in the manner in which it ought to be done, but travel beyond that line which is decorous and proper on so painful an occasion. Having made these preliminary observations upon the manner in which, according to my judgment, I am bound to perform my duty, it will scarcely be necessary for me to put you, Gentlemen of the Jury, on your guard against any inferences disadvantageous to the prisoner, which you may have formed from circumstances which reached your knowledge before you assembled in that box. The prisoner at the bar is entitled to your judgment and decision, not on any information, suspicion, or surmise, or impression, which may have affected your minds, by any thing represented to have occurred out of doors before this day; for these, if you have formed any, you must endeavour as much as possible to dismiss from your recollection; the prisoner at the bar being strictly entitled to your judgment and decision; not, I repeat, upon this previously acquired information respecting his case, but upon the evidence offered before you this day, in the progress of the trial, and on that alone. I must also beg leave to remind you, that you are equally called upon to dismiss from your minds the recent recollections, which you must have from the forms of this day's proceedings, that there are other indictments found against the prisoner, upon which he stands committed for trial, and that you are to look upon the present indictment as if it were an insulated one, and exactly as if it were the only one which the prisoner was called upon to answer. I know that these observations may be unnecessary, but still I feel it my duty to give you this precautionary admonition. The prisoner at the bar, Gentlemen, was well known as a partner in the banking-house of Marsh, Sibbald, and Co. of Berners-street, which was established about thirty years ago. His father was a partner in the original firm—he had previously been an active clerk in a banking-house in the City, and the partners who established the firm, not being equally men of business themselves, gave him a share to avail themselves of his practical information in the management of their affairs. The elder Mr. Fauntleroy died in the year 1807, and his situation was immediately occupied by his son, the prisoner at the bar, upon whom, also, for his practical knowledge of business, and the comparative superiority which he had in this respect over his co-partners, nearly the whole of the actual business devolved. In the year 1815, Miss Frances Young, of Chichester, became a customer to the firm, and had then entered in her name at the bank a sum of 5450*l.* in what were called the Three per Cent. Consols. She gave the firm of Marsh and Co. a power of attorney to receive the dividends in her name, but gave them no power whatever to sell or otherwise dispose of the principal. In May, 1815, however, an application was made at the Bank, and represented as having been so made in behalf of this lady, to sell by her power of attorney 5000*l.* of this stock. You are probably aware of the forms prescribed by the Bank of England in transacting the business of these transfers. The applicant goes to the Bank, and obtains a slip of paper, which he fills up with the name of

the party in whose behalf he applies ; he describes the stock in the Bank, the amount and particulars required to be transferred, and the name and address of the person to whom the transfer is to be made. Upon receiving these instructions in the form inserted upon the slip of paper, the Bank clerk, to whom it is delivered, hands over a power of attorney, which is to be transmitted to the person who is to make the transfer, for the purpose of receiving the requisite signature. It is customary at the Bank to preserve these slips of paper, but in this instance the particular slip has been lost, and it cannot therefore be said to whom it was delivered, it being usual to endorse the name of the party on the slip. But the power of attorney, which was prepared according to the slip so made is referred, with the necessary attestations of the witnesses. There must be to these powers of attorney two attesting witnesses, with the description of their respective names and addresses. This power of attorney, purported to be signed by Frances Young, and that signature would be proved to be a forgery. The attesting witnesses were John Watson and James Tyson, clerks in the bank of Marsh and Co., and their signatures were also forgeries—for they never transacted any business with Miss Frances Young, and never executed any transfer of stock for her. In all these documents it is required by the Bank that the date shall be set forth in words at length. This is so done in this forged transfer, and it will be proved to be in the handwriting of the prisoner at the bar, in all its parts. It must be quite clear, therefore, that the forgery has been committed either by the prisoner, or with his knowledge. The attesting witnesses are his clerks, men whose handwriting must have been known to him, and a forgery of which he must at once have detected, if brought to him by a third party. The practice at the Bank of England was, that, when these transfers, after being duly filed, were executed, they must be deposited for twenty-four hours with the clerk, for the purpose of being compared with the books, and for such other inspection and precaution as were deemed necessary on these occasions for the security of property, so far as time and circumstances allowed. After all these preliminary steps, the applicant was further called upon before the instrument was completed, to write at the bottom these words : " I demand this power to be executed in my name," signed by the party. On the 31st of May, or the 1st of June, the prisoner at the bar attended in person at the Bank, and demanded in due form, the execution of the said power of attorney. So that here you will have before you a power of attorney prepared in the prisoner's handwriting, purporting to be executed by Frances Young, purporting to be attested by two of his clerks, with whose handwriting, I repeat, he must have been necessarily acquainted ; and he himself presenting the instrument and demanding that it be executed in the usual manner. But sufficient as this would be to prove the case, it is not all, for I am about to state to you, that we have besides a document, of a character so extraordinary, so singularly complete in all its parts, as to leave no possible doubt that the prisoner at the bar was the party who had committed the offence. When the prisoner was taken into custody in his own counting-house, he, in the presence of the officer, locked his private desk with a key which was then attached to his watch—that key was afterwards taken from him by the officer ; and when the respectable solicitor for the Bank, who conducts this prosecution, went to search the house in Berners-street for the prisoner's papers, to ascertain whatever particulars he could therein find respecting these transactions, he found in one of the rooms of Messrs. Marsh's bank, in which tin cases, con-



taining title deeds of their customers, were deposited, and on which the names of the owners were inscribed, one tin box without a name. This led him to examine it. The key was found in the prisoner's private desk, which he had himself locked in the presence of the officer, and on opening this box was found a number of private papers belonging to the prisoner, and among them the extraordinary document of which I have apprised you, and which ran thus, all in the handwriting of the prisoner:—"Consols, 11,151*l.*, standing in the name of my trusteeship; 5000*l.* E. W. Young; 6000*l.* Consols, General Young; 5000*l.* Long Annuities, Frances Young; another 6000*l.*; Lady Nelson, 11,595*l.*; Mrs. Ferrar, 20,000*l.* 4 per Cents.; Earl of Ossory, 7000*l.*; T. Owen, 9400*l.*; J. W. Parkins, 4000*l.*; Lord Aboyne, 6000*l.*; P. Moore and John Marsh, 21,000*l.*" This paper contained a total of sums considerably exceeding 100,000*l.*, was all written in the prisoner's handwriting, and these words, in the same hand, followed and concluded the fact of the prisoner's guilt.—"In order to keep up the credit of our house, I have forged powers of attorney, and have thereupon sold out all these sums, without the knowledge of any of my partners. I have given credit in the accounts for the interest when it became due. May 7th, 1816. (Signed) Henry Fauntleroy."—These words followed: "The Bank began first to refuse our acceptances, and thereby to destroy the credit of our house; they shall therefore smart for it." This is the extraordinary document to which I allude; and was there ever a record of a fraud more intelligible, and yet more negligently kept? There is no doubt, I think, that when the prisoner at the bar drew up this singular and conclusive document, that he contemplated some intention for which it was applicable, perhaps to abscond, and protect his partners from any suspicion of participation in his acts. Be the intention, however, what it may, if to abscond, it was clear the prisoner had subsequently altered his intention, and at all events, nothing but unaccountable negligence could have prevented him from afterwards destroying a document of such a nature, and so fatal to his character. The Bank of England, in consequence of this information, proceeded to examine the private accounts, kept by the prisoner with his firm, and they there found that the accounts of the parties whose monies were fraudently transferred were regularly kept up, and the interest upon the dividends as regularly carried to them, every half-year, as if the original stock remained in being. In the particular case before you, the broker (Mr. Spurling) employed by the prisoner at the bar, sold out stock in question to the amount of 2930*l.* 2*s.* 6*d.*, that is, exclusive of the commission for the sale, which, according to practice, the broker divided with the firm. This amount was paid over by the broker to the banking-house of Messrs. Martin and Co., who transacted business for Messrs. Marsh and Co. in the city, and is regularly noted in the day-book of the latter, by a clerk, by whom the entry was made at the dictation of the prisoner. But, in further management of the accounts, in passing from the day-book to the private ledger, this sum appeared to have been carried to Mr. Fauntleroy's private account. The general produce was, however, afterwards posted, so as to keep up the accounts according to the original amount entrusted to the bank by the respective customers. You will, Gentlemen of the Jury, naturally ask yourselves, as this occurred so far back as the year 1815, how it happened that during the successive years which have intervened, the dividends could have been so managed by the prisoner in his accounts, as to escape the detection of his partners? The fact, however, was, that the prisoner had the entire management for the firm of their

stock-market business. When the dividends became payable, it was the practice to make out a list for one of the partners to go to the Bank of England and receive payment. These lists were always prepared by the prisoner himself, and he always continued so to manage the entry in the books as to correspond with the nominal amount of stock entrusted to the firm by their customers. The list was of course so made out as to make every thing appear entered in the manner the entries would have stood had the stock still existed, and sums were always carried on to the accounts, so as to keep up the delusion. It used to be the custom for Mr. Marsh to go to the Bank and receive the dividends for the firm; he lived in the country, and only came to town to perform this part of the business; he was, therefore, as to all the other parts of the arrangement, entirely ignorant, and incapable of detecting the fraud. There is another fact which I think it my duty to explain to you; the note of the broker for the sale of this particular stock, which Mr. Fauntleroy ought, were the transaction a *bona-fide* one, to have transmitted to the owner, was found amongst his other papers in the private tin box, which contained the extraordinary document I have already read to you. These, Gentlemen, are the whole of the facts which I undertake to establish by evidence before you, against the prisoner at the bar. I shall first prove the forgery, by producing the instrument, and proving, by the parties whose names are said to be affixed to it, that the signatures are not theirs. I shall next prove, that the handwriting in the body of the instrument is that of the prisoner himself. I shall then, by the production of the extraordinary document to which I have alluded, prove that he recorded the act as his; and from the accounts it will be clear that they were so continued by him, with great activity and caution, as to evade the detection of the forgeries, which he alone could have committed. Having stated these facts, I have discharged my duty in behalf of the prosecution, and it would ill become me to pronounce any opinion upon the effect of such facts. That is your province, Gentlemen of the Jury, after you have heard the whole details of the evidence. Having said that I have now discharged my duty, I am persuaded, Gentlemen, you will also discharge yours, painful as it may be, between the prisoner and his country, with an equal and impartial hand.

J. Tyson sworn, and examined by Mr. Serjeant Bosanquet.—I have been a clerk 17 years in the banking-house of Marsh, Sibbald, and Co. The prisoner, whose father was a partner at the time, entered the house in the same year, 1807. The firm then consisted of Mr. Marsh, who resided at Watford, Mr. S. J. Sibbald, Mr. Graham, who was a Colonel in the army, Mr. Stracey, and Mr. Fauntleroy, the father of the prisoner. In 1807, Mr. Fauntleroy, the father of the prisoner, died (the prisoner here sighed deeply). I always considered that Mr. Fauntleroy was the most active partner in the establishment. He transacted most of the business himself. I remember the execution of a warrant of attorney by the prisoner in 1815, for the transfer of stock, which stood in the name of Frances Young, of Chichester, in the Three per Cent. Consols. Miss Young was a customer, and banked at Marsh, Stracey, and Co's. (a document was put into the hands of the witness.) This is a warrant of attorney, dated 21st of May, 1818, for the transfer of stock from the name of Miss Young to that of Mr. Flower, a stock-broker. It purports to be attested by me, and another clerk in Marsh and Co's. bank. It is signed "J. Tyson;" and after the signature "J. Tyson," are the words "Clerk to Messrs.

Marsh, Sibbald, and Co., bankers, Berners-street." The handwriting is not mine, it is that of Mr. Fauntleroy; I have no doubt of it, as I have been accustomed to see him write daily and hourly, for years. There is also the signature "H. Fauntleroy" to the power of attorney. It is in the handwriting of the prisoner; it is signed "H. Fauntleroy, banker, Berners-street," as attorney for Miss Young; the prisoner then lived in Berners-street; the power of attorney is for the transfer of 5450*l.* stock. There was no other James Tyson, a clerk, in the bank.

John Watson sworn, and examined by the Attorney-General:—I have been for 25 years a clerk in the banking-house of Marsh and Co., and up to the failure of the house; there is no other John Watson, a clerk, in the house; I see the signature "John Watson," and the words "Clerk to Marsh, Sibbald, and Co., bankers, Berners-street," upon the power of attorney, which is now put into my hands; it is the handwriting of Mr. Fauntleroy. I do not know Miss Young; my signature is put to this document as an attesting witness to the execution of the power of attorney. I did not see Miss Young sign the document, as my attestation purports. I see it is signed "Frances Young, 1815." The signature and date are in the prisoner's handwriting. I see the demand for the transfer of the stock: it is in Mr. Fauntleroy's handwriting. The signature to the demand, "H. Fauntleroy," is the handwriting of the prisoner. The words, "I demand the transfer of stock from Frances Young to— Flower, Gent. stock-broker," &c., are the handwriting of Mr. Fauntleroy.

Robert Browning the younger, sworn.—I am clerk in the Bank of England, in the 3 per cent. Consols Office, and have been for 20 years. I see this power of attorney, now put into my hands, dated 1st June, 1815. My name is upon the document as the subscribing witness. I remember the prisoner bringing the power of attorney to the Bank, and demanding to act as attorney for Miss Young. I see the words "I demand to act;" they are written by the prisoner, and his signature is affixed. I saw the prisoner write the words "H. Fauntleroy," to the demand, and my signature follows as witness to the demand. I am sure I saw the prisoner sign it. He wrote the demand, and signed it in my presence in the 6th Division in the Consols Office.

Mr. Justice Park—The sixth division, what does that mean? I don't understand it?

Witness—The office business is divided into different departments. I have the Bank-book in which the transfer of Consols is entered. By referring to the day in question, the 1st of June, 1815, I found an entry of Consols in the name of Miss Frances Young, of Chichester. On that day Miss Young had the sum of 5450*l.* 3 per Cent. Consolidated Annuities standing in her name. I have seen the book in which transfers of stock are entered. I hold it in my hand.

Mr. Attorney-General—Before you look at the transfer book, say if the amount of stock transferred, entered in that book, is signed by the person transferring it?

Witness—It was always signed by the person making the transfer.

The Attorney-General—Now, Sir, see if there is an entry in that book of the transfer of 5450*l.* stock from Miss Young to — Flower, stock-broker, on the 1st of June, 1815, and if it is signed, and by whom?

Witness—I find an entry of 5450*l.* stock, transferred from the name of Frances Young to — Flower, Gent. stock-broker. I find the name of Henry Fauntleroy, as attorney of Frances Young,



spinster, of Chichester. The date, "the 1st. of June," and the signature, "H. Fauntleroy," are the proper handwriting of the prisoner, and were written by him in my presence. My name, as the attesting witness, is written in the margin. The name of the broker appears also to the transfer, thus: "Wm. Flower, Stock Exchange."

Mr. Alley—You swear you saw the prisoner write the demand and sign it?—Witness: Yes, I do.

The Counsel for the prosecution proposed to call evidence to show that the Bank had replaced the stock of which Miss Young had been defrauded by the prisoner's forging the warrant of attorney; it being absolutely necessary to show that she had no interest in the prisoner's conviction, before she could be allowed to prove that her signature to the warrant of attorney was a forgery.

The Attorney-General then called the following witness:—

Robert Best sworn, and examined by Mr. Serjeant Bosanquet.—I am Secretary to the Bank of England, and now produce a book containing the orders of the Directors relative to the sale and transfer of stock. On the 21st of October an order was made by the Directors to purchase 5550*l.* 3 per cent Consols, and place it in the name of Miss F. Young, of Chichester. The order of the Directors was confirmed on the 28th of October, and the entry of that order is inserted in the book I produce.—The witness commenced reading the preamble of the order, stating, "that whereas certain stock, to the amount of 5550*l.* 3 per cent. Consols, which stood in the name of Frances Young, of Chichester, spinster, had been transferred by means of a forged power of attorney, &c. that the Directors had resolved to replace the same," &c.

Mr. Gurney took an objection to the reading of the preamble of the order.—Mr. Broderick also contended, that it was not admissible evidence, though the minute of the order of the Court of Directors might be evidence.

Mr. Justice Park said, that the minute of the order of the Directors might be read, but he was of opinion that the preamble was not legal evidence.—Witness continued: The entry of the minute is in the handwriting of Mr. Watson, Clerk in the Bank. The original order is in the handwriting of the Chairman of the Court of Directors, and the entry is a copy. The order was confirmed on the 28th of October. I read over the minute to the Court of Directors, and they confirmed the order in my presence. An order was given to the stock-broker of the Bank to buy 5550*l.* 3 per cent. Consols, in pursuance of this order of the Directors; the stock has been bought, and placed to the account of Miss Young.

Benjamin Cole sworn, and examined by Mr. Law.—On the 22d of October I was applied to, to make a purchase of 5550*l.* in the 3 per cent. Consols, in the name of Miss F. Young, of Chichester, on the part of the Bank of England. I made the purchase. The cash I paid for the stock was 4812*l.* 10*s.*, and it was transferred to the name of Miss Frances Young, of Chichester. I afterwards received an order from the Governor of the Bank, to pay me the amount which I had paid for the stock: it was signed by the Governor. I produce the stock receipt, and the Consols are transferred from the name of the Accountant General to that of Frances Young.

Mr. Browning, the clerk to the Bank of England, was again called, and stated, I produce the ledger in which stock is entered. Miss Young

has credit for 5550*l.* Consolidated Annuities, in the stock book. The entry is made on the 22d of October, 1824.

Mr. Justice Park.—This evidence does not affect the merits of the case; but it was essential to render Miss Young a competent witness. Had not the stock, which it is alleged she has been defrauded of, been replaced, she would have had an interest in proving that her signature to the power of attorney was forged; but the stock being replaced in her name, she has no interest whatever in the conviction.

Mr. Gurney here rose, and said that he still had an objection to make to the evidence of that lady. He did not deny that proof had been given of the Bank having replaced the stock, but no evidence had yet been given that Miss Young had received the dividends from 1815 to the present time; and till that fact was proved, he contended that she was an incompetent witness; because it was her interest to prove the forgery, that she might be enabled to recover her dividends of the Bank.

The Attorney-General said, that he should prove that the dividends had been paid.

Mr. Freshfield, the Bank Solicitor, proved the execution of a power of attorney, transferring the sum of 5550*l.* 3 per Cent. Consols to Miss F. Young, on the 22d of October. He was present at the execution.—The instrument was read by the Clerk of the Arraigns.

Mr. Justice Park now decided, that the Counsel for the prosecution were entitled to call Miss Young, if they thought proper.

Miss Frances Young sworn. (This young lady seemed to be exceedingly agitated as she entered the witness-box.) She stated—*I resided in Chichester, in the year 1815, and Messrs. Marsh, Sibbald, and Co., of Berners-street, were my bankers. In the year 1815, I had the sum of 5450*l.* stock in the 3 per Cent. Consols; Messrs. Marsh and Co. received the dividends for me. I invested a further sum of 100*l.* a short time since. I received from Marsh and Co. regularly the dividends of 5450*l.* up to the period when I made the last purchase, and after that time I received a dividend upon 5550*l.* I never authorized Marsh and Co. to sell any part of the stock for me; I never authorized the prisoner to make a transfer of it.—[A paper was put into the hand of witness.]—I see the signature, “Frances Young,” to this transfer; it is not my handwriting.*

By the Judge: *I never gave authority to any one to transfer the stock.—By the Attorney-General: I was not in London in May, or June, 1815. I was in Chichester.*

Mr. James Tyson, clerk of Marsh and Co., again examined by Mr. Serjeant Bosanquet: *It was usual for Mr. Marsh, the senior partner in the bank, to go to the Bank of England to receive the dividends. Mr. Marsh lived in the country, and usually came to London for that purpose. It was the practice for a list of the dividends to be made out, and for Mr. Marsh to take it to the Bank. The list was usually made out by Mr. Fauntleroy; in fact, I believe he always made out the list. The list contained the names of the parties to whom dividends were due, and the sums they were entitled to, and which Mr. Marsh was to receive (a list shown to the witness). This is the list of the July dividend in Consols, in 1824. It is indorsed by Mr. Fauntleroy, the prisoner at the bar, thus, “3 per Cent. Consols, July, 1824, Marsh, Stracey & Co.”*

By Mr. Justice Parke.—*I am positive the indorsement is the prisoner's handwriting.*

By Mr. Serjeant Bosanquet.—The list contains names, and sums opposite to them. The whole are written by Mr. Fauntleroy. The list is alphabetical. The red figures are in the handwriting of the Bank clerk. In the list under the letter Y, is inserted the name “ Frances Young,” and the sum opposite the name is 5450*l.* When Mr. Marsh received the dividends he paid them to Mr. Fauntleroy, who kept an account.

Attorney-General.—You have the book in which the account of the dividends was kept?—Witness. Yes, I have.

Attorney-General.—By whom were the dividends of July, 1824, entered into that book?

Witness: The first twenty-four names are entered by Mr. Fauntleroy, the remainder by a clerk in the Bank.

Attorney-General: Is the name of Frances Young in one of the twenty-four entries?—Witness: That name stands twenty-third in the list.

Attorney-General: Read the entry.—Witness: Frances Young, 5550*l.* Consols.—Dividend, 83*l.* 5*s.* 0*d.*

Attorney-General: Produce the book containing the account of the dividends of 1815.—Witness: I have that book.

Attorney-General: Refer to the July dividends in 1815.—Witness: I find an entry there F. Young. Consols 5450*l.* Dividend 73*l.* 19*s.* 0*d.*

Attorney-General: Produce the book containing the 1816 dividends.—Witness: I find an entry in January, 1816. There are names and sums. The three first are in Mr. Fauntleroy’s hand-writing; the rest are written by the clerk. I do not find the name of F. Young in the names written by Mr. Fauntleroy; the name F. Young written third in the list of names written by the clerk, and the sum opposite to it is 4540*l.* The witness then went through the different books, showing that the lists of dividends had been regularly entered by Mr. Fauntleroy every quarter as they were paid, and that he must have been cognizant of the forgery by which the stock was transferred.

Attorney-General: Refer to the day-book, in which are entries on the 1st of June, 1815.—Witness: I have the book, and found several entries.

Attorney-General: Is there one entry of the sum of 2953*l.* 2*s.* 6*d.*?—Witness: There is.

Attorney-General: To whose credit is that sum placed?—Witness: To the credit of H. F., meaning Mr. Fauntleroy.

Attorney-General: There is an entry of 2993*l.* 2*s.* 6*d.*, is there not?—Witness: There is.

Attorney-General: And between the two entries you have mentioned there is the sum of 40*l.* inserted, making, if added together, the sum of 2953*l.* 2*s.* 6*d.* to the sum of 2993*l.* 2*s.* 6*d.*

Attorney-General—Produce the private book of Marsh and Co., and refer to an item of the date of June 6th.

Witness—I find an entry in Mr. Graham’s hand-writing of 40*l.* in the name of Ryan. There is an erasure in the next item, on the same line. The items June 1st, 2953*l.* 2*s.* 6*d.* and the 40*l.* are in the hand-writing of Mr. Fauntleroy, and also the item of 2993*l.* 2*s.* 6*d.*, which is placed to Mr. F.’s account.

Mr. Justice Park put the book in the hands of the Jury, for their inspection.

Cross-examined by Mr. Gurney: This money is placed to the credit of Mr. Fauntleroy, in his private account. The sums are very large;



to the amount of 50,000*l.* I don't know whether the money found its way into the funds of the bank, as that rests with the partners themselves. I don't know whether they were drawn out on Mr. P.'s account; Marten and Co. were our city bankers; they received this money; Mr. Stracey would know whether this was applied to Fauntleroy's account or not; but the clerks know nothing of it. It was the custom to make entries to initials. We were merely ordered to make an entry of them in the ledger. [The ledger was now handed to the Jury.]

John Henry Spurling called by the Attorney-General. In 1815 I was clerk to Mr. Solomon, who was stock-broker to Marsh and Co. On the first of June, I sold out the sum of 5000*l.* Consols for Miss Young, of Chichester. It is entered in the book. The amount of the money produced by the sale was 2956*l.* 5*s.* Then deducting 1 per centage, there was left 2950*l.* 2*s.* 6*d.* The amount was paid on the 1st of June, with my draft, to the account of Marsh and Co. at the banking-house of Marten and Co. I delivered the note of the sale to Marsh and Co.

The note of sale was now put in, and read by Mr. Clarke.

Samuel Plank called—I am a police officer, of Marlborough-street office. I apprehended the prisoner the 10th of September, at his banking-house, in Berners-street. There was a desk in the room where the prisoner was, which he locked after I went in. He knew I had come to apprehend him. The key with which he locked it, I took from his watch at Marlborough-street; I delivered it to Mr. Freshfield. I went with Mr. Freshfield afterwards to the banking-house, and searched the desk with Mr. Freshfield. There was a private drawer in the desk, and from it I took some more keys. There were papers there, and they were brought away by me. The prisoner was examined that day. The keys found in the desk were kept in my possession till after the examination. When I went, after the examination, to the bank with Mr. Freshfield, we found two boxes. "Fauntleroy" was on one of them. I tried them with the keys, and they opened them; after that I locked the boxes, and delivered the keys to Mr. Freshfield; the boxes were taken away by Mr. Freshfield in a coach.

Mr. Freshfield, the Bank solicitor, was now called: I went to the house of Marsh and Co. with the officer, the day the prisoner was apprehended; I made search there. I received a key from Plank the officer; it opened the private desk of the prisoner; in the desk were found some other keys. After the examination I returned to the banking-house, and in a room at the back of the partners' room, I found two boxes: one had the name of "Fauntleroy" upon it. There was another box by it. I desired the officer to try the box with the keys, that I might not take the box of any other person than the prisoner. He did so; and finding from the papers that it belonged to the prisoner, I took it home with me. In the course of the same night I went through the whole of one, and half of the other. One contained a number of deeds, probates of wills, letters of administration, and official documents. In the other, there were a great number of memorandums, and diaries; also, the sale note produced. He found also the paper I now hold, (the paper alluded to by the Attorney-General in his opening speech.)

Mr. Tyson, the clerk in the house of Marsh and Co. said, that the usual method was to put the sale note on the file. It is copied into a book by one of the clerks.

James Kirby, another clerk in the house, stated, that he had searched the books of the house, and found none of the transfers of stock had been entered. They would have been so in the regular course of business.

Mr. Watson was re-examined, to prove that the paper found in the box was the handwriting of the prisoner. The paper was now put in, and read by Mr. Clarke.

Mr. Justice Park: Prisoner, the case on the part of the prosecution being now closed, and your Counsel having examined the witnesses; they not being permitted to make a speech for you, you may, if you wish, say any thing you think proper to the Jury or to me.

Mr. Fauntleroy then rose, and drawing a paper from his bosom, said, with a sorrowful and dejected air, "My Lord, I will trouble you with a few words." Then, wiping away a tear which forced itself down his pallid cheek, he proceeded, in a very low, and sometimes hardly audible voice, to the following effect:—

### DEFENCE.

"My Lords and Gentlemen of the Jury.—Overwhelmed as I am by the situation in which I am placed, and being uninformed in what manner I should answer the charges which have been alleged against me, I will endeavour to explain, so well as the poignancy of my feelings will enable me, the embarrassments of the Banking-house in which I have been for many years the active and only responsible partner, and which have alone led to the present investigation; and although I am aware I cannot expect to free myself from the obloquy brought upon me by my anxiety to preserve the credit and respectability of the firm, still I trust that an impartial narrative of the occurrences will obtain for me the commiseration of the well-disposed part of the community.

Anticipating the Court will extend its indulgence to me, I will respectfully submit such observations as I think will tend to remove from influenced minds those impressions, which with sorrow I say must have been made upon them by the cruel and illiberal manner which the public prints have untruly detailed a history of my life and conduct, hoping therefrom I may deserve your compassion, although I may be unable to justify my proceedings, and secure my liberation by a verdict of the Jury, yet they may be considered, in the mercy of the Court and of a discerning public, as some extenuation of the crimes with which I stand arraigned.

With this object it is necessary that I should first state, shortly, the circumstances under which I have been placed during my connexion with Marsh and Co.

My father established the Banking-house in 1792, in conjunction with Mr. Marsh, and other gentlemen. Some of the partners retired in 1794, about which time a loss of 20,000*l.* was sustained. Here commenced the difficulties of the house. In 1796, Mr. Stracey and another gentleman came into the firm, with little or no augmentation of capital.

In 1800, I became a clerk in the house, and continued so six years, and although during that time I received no salary, the firm were so well satisfied with my attention and zeal for the interest and welfare of the establishment, that I was handsomely rewarded by them. In

1807 my father died ; I then succeeded him ; at this time I was only 22 years of age, and the whole weight of an extensive but needy banking establishment at once devolved upon me, and I found the concern deeply involved in advances to builders and others, which had rendered a system of discounting necessary, and which we were obliged to continue in consequence of the scarcity of money at that time, and the necessity of making further advances to those persons to secure the sums in which they stood indebted.

In this perplexed state the house continued till 1810, when its embarrassments were greatly increased, owing to the bankruptcies of Brickwood and others, which brought upon it a sudden demand for no less a sum than 170,000*l.* the greater part being for the amount of bills which our house had accepted and discounted for these parties, since become bankrupts.

About 1814, 1815, and 1816, from the speculations with builders and brickmakers, &c. in which the house was engaged, it was called upon to provide funds to near 100,000*l.* to avert the losses which would otherwise have visited it from those speculations.

In 1819, the most responsible of our partners died, and we were called upon to pay over the amount of his capital, although the substantial resources of the house were wholly inadequate to meet so large a payment.

During these numerous and trying difficulties the house was nearly without resources, and the whole burthen of management falling upon me, I was driven to a state of distraction, in which I could meet with no relief from my partners, and almost broken hearted, I sought resources where I could, and so long as they were provided, and the credit of the house supported, no inquiries were made, either as to the manner in which they were procured, or as to the sources from whence they were derived.

In the midst of these calamities, not unknown to Mr. Stracey, he quitted England and continued in France, on his own private business, for two years, leaving me to struggle, as well as I could, with difficulties almost insurmountable.

Having thus exposed all the necessities of the house, I declare that all the monies temporarily raised by me were applied, not in one instance for my own separate purposes or expenses, but in every case they were immediately placed to the credit of the house in Berners-street, and applied to the payment of the pressing demands upon it. This fact does not rest on my assertion, as the transactions referred to are entered in the books now in the possession of the assignees, and to which I have had no access since my apprehension. These books, I understand, are now in court, and will confirm the truth of my statement : and to whatever account all the sums may be entered, whether to that of stock, of exchequer bills, or to my private account, the whole went to the general funds of the banking-house.

I alone have been doomed to suffer the stigma of all the transactions ; but tortured as I have been, it now becomes an imperative duty to explain to you, Gentlemen, and through you to the world at large, that the vile accusations heaped upon me, known to be utterly false by all those who are best acquainted with my private life and habits, have been so heaped upon me, for the purpose of loading me with the whole of the obloquy of those transactions, from which, and from which alone, my partners were preserved from bankruptcy. I have been accused of crimes I never even contemplated, and of acts of profligacy I never committed ; and I appear at this bar with every prejudice against me,



and almost prejudged. To suit the purposes of the persons to whom I allude, I have been represented as a man of prodigal extravagance; prodigal indeed I must have been, had I expended those large sums which will hereafter be proved to have gone exclusively to support the credit of a tottering firm, the miseries of which were greatly accelerated by the drafts of two of its members to the amount of near 100,000*l*.

I maintained but two establishments, one at Brighton, where my mother and my sister resided in the season—the expenses of which to me, exclusive of my wine, were within 400*l*. per annum. One at Lambeth, where my two children lived, from its very nature, private and inexpensive, to which I resorted for retirement, after many a day passed in devising means to avert the embarrassments of the banking-house. The dwelling-house in Berners-street belonged solely to my mother, with the exception of a library and a single bed-room. This was the extent of my expenditure, so far as domestic expenditure is concerned. I am next accused of being an habitual gambler, an accusation which, if true, might easily account for the diffusion of the property. I am, indeed, a member of two clubs, the Albion, and the Stratford, but never in my life did I play in either, at cards or dice, or any game of chance; this is well known to the gentlemen of these clubs—and my private friends, with whom I more intimately associated, can equally assert my freedom from all habit or disposition to play. It has been as cruelly asserted, I fraudulently invested money in the funds to answer the payment of annuities, amounting to 2,200*l*. settled upon females. I never did make any such investment; neither at home or abroad, in any funds whatever, have I any investment; nor is there one shilling secretly deposited by me in the hands of any human being. Equally ungenerous, and equally untrue it is, to charge me with having lent to loose and disorderly persons large sums which never have, and never will be repaid. I lent no sums, but to a very trifling amount, and those were advanced to valued friends. I can, therefore, at this solemn moment, declare most fervently, that I never had any advantage beyond that in which all my partners participated in any of the transactions which are now questioned. They, indeed, have considered themselves as partners only in the profits, and I am to be burthened with the whole of the opprobrium, that others may consider them as the victims of my extravagance. I make this statement, not with a view to criminate others, or to exculpate myself; but, borne down as I am by calamity, I will not consent to be held out to the world as a cold-blooded and abandoned profligate, ruining all around me for the selfish gratification of vice and sensuality, and involving even my confiding partners in the general destruction.

Gentlemen, I have frailties and errors enough to account for. I have sufferings enough past, present, and in prospect; and if my life was all that was required of me, I might endure in silence, though I will not endure the odium on my memory, of having sinned to pamper delinquencies to which I never was addicted. Thus much has been extorted from me by the fabrications which have been cruelly spread amongst the public, that very public from whom the arbiters of my fate were to be selected. Perhaps, however, I ought to thank the enemy who besieged the prison with his slanders—that he did so while my life was spared to refute them, and that he waited not until the grave to which he would hurry me had closed, at once, on my answer and my forgiveness. There is one subject more connected with these

charges to which I am compelled to advert, and I do so with great reluctance. It has added to the other charges made against me, lest the world should think there was any vice in which I was not an adept. I have been accused of acting treacherously towards the female who now bears my name, having refused to make reparation until threatened by her brother, and of having deserted her at a moment when she had the greatest claim on my protection. Delicacy forbids me entering into an explanation on this subject, further than to declare, that the conduct I adopted, on that occasion, was uninfluenced by the interference of any individual; and arose, as I then considered, and do still consider, from a laudable and honourable feeling on my part; and the lady's brother, so far from coming forward at the time alluded to, was on service in the West Indies. Could all the circumstances be exposed, I feel convinced, that every liberal-minded man would applaud my determination; and I feel satisfaction, in stating, that the lady in question has always been, and still is, actuated by the best of feelings towards me.

I have now only to apologize to the Court, for having entered so much at length into the statement of my unfortunate case; and in conclusion, I have to express my perfect confidence, that it will receive every favourable consideration at your hands; and I fully rely, that you, gentlemen of the jury, will give an impartial and merciful decision."

The prisoner, having concluded his address, sat down, evidently exhausted by the effort, and overcome by his feelings. A glass of water was brought him, of which he took a little; and while the witnesses to his character were examining he leant his head on his hand, in which he still held his handkerchief in a manner to cover his face, as if unwilling to be seen by his former friends. At times while they were giving their evidence he appeared to weep.

The following witnesses were called to the prisoner's character, and examined by Mr. Gurney.

Mr. John Wilson knew Mr. Fauntleroy about sixteen years, during the whole of which time he maintained an unspotted character: he always considered him a man of the strictest integrity.

Sir Charles Forbes had known Mr. Fauntleroy twelve years, and always considered him an honourable and obliging gentleman, and an upright man of business.

Mr. Gray knew him fifteen years, and always considered him deserving of the highest esteem and respect.

Mr. Boff knew Mr. Fauntleroy twenty-seven years, and always esteemed him a kind, an honourable, and upright man.

Mr. James Robinson knew him eleven years, during which time he maintained as high a character as man could possess.

Mr. Wand was acquainted with Mr. Fauntleroy eleven years, his character was most excellent.

Mr. Lindsey knew Mr. Fauntleroy ten or twelve years; he did not know a man who appeared to possess more kind or honourable feelings.

Mr. Anthony Browne was acquainted with him sixteen or seventeen years, and always entertained the highest opinion of his honour and integrity.

Mr. Wyatt had known Mr. Fauntleroy twelve years, he was a most honourable, kind-hearted, and benevolent man.

Mr. Montreal knew Mr. Fauntleroy twelve years; he was a most benevolent man, and had the highest character for integrity.

Mr. Montague was acquainted with Mr. Fauntleroy upwards of twelve

years, and never knew a more kind-hearted and humane man. His character was most excellent.

Mr. Vernon was acquainted with him sixteen years; he always had the character, and appeared to be a very kind, and a very honourable man.

Mr. Ross knew Mr. Fauntleroy fourteen years; he had the character of being strictly honourable and upright.

Mr. Church knew Mr. Fauntleroy twelve years, and had much dealing with him. He was always strictly honourable and upright in all his transactions with witness, and had universally the character of the strictest integrity and honour.

Mr. Yatman was acquainted with him twelve years, he always possessed a character of the highest excellence.

Mr. Boshnel was acquainted with Mr. Fauntleroy fifteen years, and always considered him a perfectly honest and honourable man.

At ten minutes after two o'clock, Mr. Justice Park commenced his charge to the Jury. The prisoner, he said, was indicted for forging a power of attorney, for the transfer of stock belonging to Miss Frances Young; and for uttering such power of attorney knowing it to be forged. There were other counts in the indictment, charging the prisoner with an intent to defraud the Bank of England, and also a person of the name of Flower, to whom the transfer was made. The forgery they might put out of their consideration, as there was no evidence of its having been committed in London; and they, as a London Jury, could not try a prisoner for any crime not committed in the city; but if they should think that the count which charged the prisoner with uttering the forged power of attorney at the Bank of England, which was in the City of London, knowing it to be forged, finding him guilty on that count, was the same in its legal effect as if he were found guilty on all the counts in the indictments. The prisoner, in his address to the Jury, had mentioned a subject, which at all times gave him, Mr. Justice Park, great concern, and on which he would, at whatever peril, express his opinion as often as it occurred. It was truly painful to hear persons in the prisoner's situation complaining of the obloquy they suffered from misrepresentations in the public prints. Such cruel conduct was calculated to bring the minds of jurors to form a bad opinion of the person on whom they were to pass judgment before they heard the evidence; and if such cruelty towards the prisoner had been committed, he was right to mention it, and declare its falsehood. He hoped, and was confident, the jury would pay no attention to any thing they had ever heard respecting the prisoner's conduct before they took the book into their hands by which they bound themselves, before God, to deliver a true verdict, according to the evidence. No man could be fit for the administration of justice who allowed himself to be influenced, or paid the least attention to any reports he might have heard before a prisoner's trial. If a prisoner were in reality the most wicked person in the world, unless the evidence was sufficient to convict him of the crime of which he was charged, a jury would be bound to acquit him. The law did not in any case admit witnesses to bad character, but only to good, and no man should be injured by reports to his prejudice. The Attorney-General and the prisoner had both called on them to dismiss those reports from their minds; and he, Mr. Justice Park, had allowed the prisoner to proceed in the statement he had made in answer to those cruel charges, though that statement did not go at all to the point of the case to be decided, as the only question for their



consideration was, Whether the prisoner uttered the power of attorney given in evidence in the manner imputed to him? That question contained three points: the first was, Was that instrument forged? the second, Did the prisoner utter it? the third and most important, Did the prisoner, at the time of uttering it, know it to be forged? If they were satisfied by the evidence that those three things were proved, then the prisoner's guilt was legally proved, and it would be their duty to find a verdict in conformity with that evidence. On the first point, Was the instrument forged? by the law of England, a person whose name was forged to an instrument, in which they had an interest, could not be a witness to prove the forgery—it was a strange rule of law, but the Court was bound by it. Miss Young, whose name was forged to the power of attorney in question, under which her stock had been transferred, could not therefore be called to prove the forgery. But the Bank of England, to qualify her for being a witness, had replaced her stock, and they had executed mutual releases to each other, by which she ceased to have any interest in the question, whether that instrument was a forgery or was genuine. She had proved that the name signed “Frances Young” to the power of attorney produced, was not her handwriting, and that she had never authorised any person to write it; and James Tyson and John Watson, clerks in the bank in which the prisoner was a partner, whose names were both signed to the instrument as witnesses of its execution by Miss Young, had proved that their names were not in their handwriting, and that they had never seen Miss Young in their lives, till they saw her at the police office, after the prisoner's apprehension. This was as strong evidence that the instrument was a forgery as could be produced, and must be sufficient to satisfy every mind. The next point for their consideration was, Did the prisoner utter the forged instrument? It was stated in evidence, that by the practice of the Bank, the names and description of persons to whom powers of attorney for the transfer of stock are given must be stated to the Bank, and that the person so appointed must go to the Bank, and demand to act under the power he has received. It was proved that the prisoner had uttered the power of attorney produced, and had demanded to act under it, and had been allowed by the Bank so to act, they supposing it to be a genuine power of attorney, and that Miss Young's stock had in consequence been transferred by the prisoner's directions: this was as strong a proof of uttering as could well be conceived. The third point was, Did the prisoner at the time of uttering know that the instrument was a forgery? On this an observation arose on the face of the paper itself. Tyson and Watson, whose names were subscribed to it as witnesses, proved that their names were not in their handwriting: and that the words stating the instrument to be executed in their presence, were in the handwriting of the prisoner, therefore he must have known it was a forgery at the time he uttered it. It was also proved, that although the transfer of this stock took place in 1815, the prisoner, for the purpose of concealing that fact, continued to give Miss Young credit for its amount, in lists of stock on which dividends were to be received by the Bank in which he was a partner, and which lists he made out, down to a short time before his apprehension. It was also proved, that there was an entry made in the books of the bank in which the prisoner was a partner, and in his handwriting, dated the first of June, 1815, in which he took credit for 2953*l.*, paid by him that day into their Bank, and it was proved by the Stock-broker, who had sold Miss Young's stock for the prisoner, under the forged Power of Attorney, that the

sale was made on the first of June, 1815, and that the produce which he paid over to the prisoner on that day, was 2953*l.* the very sum for which the prisoner had taken credit in his own books. Mr. Gurney, the prisoner's counsel, had asked on this evidence, whether the money went to the credit of the prisoner's private account, or was carried to the general account of the firm: but that was a matter totally irrelevant, and nothing that the prisoner had said on that point could at all form a subject for their consideration. Their only inquiry was, whether the prisoner had used the means imputed to him for obtaining the money—not how he had employed it. Hitherto he had been examining the probability of the prisoner's having uttered the Power of Attorney with a guilty knowledge, as that probability was to be inferred from the facts of the case; but after the next piece of evidence he was to mention, what man could lay his hand on his heart and say he was not convinced that the prisoner knew the Power of Attorney was forged at the time he uttered it? He only said this, because the prisoner had said it of himself; it was indeed such a document as he had never before seen, nor could expect to see, as it was evident no one could keep such a document in his possession without exposing himself to the greatest possible risk. The learned Judge here recapitulated the statement of Plank the officer, and Mr. Freshfield, of finding the papers in the prisoner's box, and first read the paper called the sold note of Miss Young's stock, which, he observed, it had been proved, if regularly sold, would have been filed and copied in the Bank books, neither of which had been done. His Lordship then read the document in which the prisoner had stated his having sold the stock mentioned in it under powers of attorney which he forged; and then said—Is it possible for any man to say, after this evidence, that there can be a doubt on the third point, that at the time the prisoner uttered the Power of Attorney, he knew it to be forged?—he solemnly declared the fact under his own hand eight years ago. No cause of any kind could ever induce an honest man to commit an act of such atrocity. The prisoner says he did not intend to defraud, but he had recorded under his own hand that he did the act to punish the Bank. He has also said that he did it to support the credit of his partners, but in an honest, or Christian mind, no motive could come in competition with the misery such conduct must produce. There was one point in the prisoner's favour, which he was glad of, and it might, perhaps, be some consolation to the prisoner's mind—a great number of respectable gentlemen had given him a very high character.—It was the misfortune of those cases, that it was persons of high character who had the opportunity of committing such frauds, no others could do it. The Jury had heard other indictments against the prisoner read, but they must put them out of consideration, as they were only to attend to the case on which they had heard evidence; but if they were satisfied by the evidence they had heard, that the crime imputed to the prisoner had been proved, if he had the character of an angel, it would be their duty to find him guilty. If, on the other hand, they, acting under the sacred obligation of an oath, entertained a doubt of the prisoner's guilt, then they would allow the excellent character that had been given him to have its due weight; but if they were satisfied with the evidence, however they might lament—and every man of feeling must lament to see a man who had possessed so high a character, in the prisoner's unhappy situation, still they must discharge their duty with firmness.

At ten minutes to three o'clock his Lordship concluded his charge.

The Jury then retired to deliberate on their verdict. During their absence, which lasted for twenty minutes, Mr. Fauntleroy resumed his seat, and appeared extremely affected.—A sudden rush of the crowd at the door of the Court announced the return of the Jury. The prisoner stood up to hear his awful sentence. Whilst the Clerk of the Arraignment called over the names of the Jury, and repeated the formal words of the law—"How say you; are you agreed upon your verdict, is the prisoner at the bar, Guilty, or not Guilty?" the most intense interest was manifested by every person present. The foreman replied, "Guilty of uttering the forged instrument, knowing it to be forged." At this moment every eye was fixed on the unhappy prisoner, who remained for a moment quite motionless, apparently unconscious of every thing around him, and then sunk down into his chair.

A short conference then took place between the Bench and the Counsel for the prosecution; it was conducted in a low tone of voice, but we presume it referred to the propriety of proceeding with the other indictments. Upon its conclusion,

Mr. Justice Park addressed the prisoner, rather abruptly, "Henry Fauntleroy." The prisoner, who was quite absorbed in his meditations, started at the sound, and then looking wildly at the Bench, rose, as if in expectation that sentence was to be pronounced upon him. The learned Judge proceeded—"Henry Fauntleroy, the learned Attorney-General does not feel it necessary, in the discharge of his public duty, to proceed further with the indictments which have been preferred against you. It is no part of my painful duty to pronounce the awful sentence of the law, which must follow the verdict which has just been recorded. That unpleasant task will devolve on the learned Recorder, at the termination of the Sessions; but it is a part of my duty, as a Christian Magistrate, to implore you that you bethink yourself seriously of your latter end. (A convulsive sob from the wretched prisoner was distinctly audible through the Court at this period of the Learned Judge's address.) According to the constitution of this country, the prerogative of mercy is vested in the Crown.—With that I have nothing to do. I do not say that in your unhappy case the extension of mercy is impossible; but I am afraid that, after the many serious acts which, under your own handwriting, have been proved against you, involving so many persons in ruin, you would only deceive yourself by indulging in any hope of mercy on this side of the grave.—Let me then beseech you to turn your heart to the contemplation of your awful situation, and whilst it is yet in your power, use all your exertions to make peace with your God."

The unfortunate gentleman was now quite overpowered; he was barely able to raise up his hands, as if in the attitude of prayer, which was the only answer he was capable of giving to the admonition of the Learned Judge. He was then removed from the bar, supported on the arms of Mr. Wontner, and one of his friends, and was re-conducted to the prison.

#### MR. FAUNTLEROY.

Almost immediately after this unfortunate gentleman was apprehended, he expressed to his friends his firm opinion that any defence would be unavailing, and his anxious desire, by pleading Guilty, to spare himself the pain and mortification of being exposed for hours to the gaze of a crowded court, and compelled to hear the narrative of his de-



linquencies ; and he stated that it would be more congenial to his feelings to adopt this course, because the prosecutors' Counsel would then be compelled to shut up their briefs, and thus all further publicity would be avoided ; in deference, however, to the advice of his friends, he placed himself in the hands of legal advisers, but he still wished it to be understood, that if his Counsel should consider his case as hopeless, he should be allowed to follow his original intention of pleading Guilty. His counsel met in consultation, and were unanimously of opinion that he had no prospect, or even possible chance of escape, if the indictments were framed as they had reason to expect, from the intelligence and caution of the Bank agents, they would be ; but they very properly declined giving any advice to Mr. Fauntleroy as to the course he should adopt, and left him to be guided entirely by his own feelings, as to whether or not he would take his trial, or plead Guilty. The result of this conference was partially communicated to Mr. Fauntleroy on Tuesday last, and more distinctly on the following day, by his brother, and his solicitors, Messrs. Forbes and Harmer, and also by Mr. Mayhew, a respectable solicitor, who, as a private friend, has most kindly and zealously, throughout Mr. Fauntleroy's Defence, afforded his professional aid and advice, and it was expected that Mr. F. would decline putting himself upon his trial ; on this point, however, nothing decisive was elicited from him until Wednesday evening, when he addressed to Mr. Forbes the following letter :—

“ My dear Mr. Forbes.—John and myself have been a long time talking upon this melancholy subject, and we have finally agreed to plead *Not Guilty*. As, no doubt, the strongest case would be brought forward first, and things may come out in extenuation, (though, perhaps, it may not avail,) and may place me in a better view towards the public eye—so pray be preparing a defence.—Ever your's,

HENRY FAUNTLEROY.”

It should be remarked, that Mr. Fauntleroy was daily annoyed by seeing the unfounded slanders propagated respecting him in the public prints ; and he was dreadfully distressed and nervous on finding his name frequently associated with that of the cold-blooded murderer Thurtell. These attacks unsettled his resolves, and induced him to put himself upon his trial, if it was only to have the opportunity of answering the numerous calumnies propagated against him, as appears by the following letter which he addressed to Messrs. Forbes, Mayhew, and Harmer.

“ My dear Sirs,—Ever since my imprisonment, the utmost ingenuity has been exercised in inventing, and the greatest pains taken in propagating the most unfounded and calumnious reports respecting me. I daily hoped that the fallen fortunes, the distressing and appalling situation of an unfortunate and wretched man, would excite commiseration in the heart of the most unfeeling and obdurate, and that these cruel slanders would cease on the slightest reflection ; in this expectation, however, I was disappointed, and each succeeding day I was doomed to find myself accused of crimes I never committed, and with a course of profligacy and vice for which there was no foundation. Indeed, I have been depicted in such odious colours, that it would be painful to any one hereafter to acknowledge any relationship or acquaintance with me ; and if these imputations remained uncontradicted, and were credited ; no one could think

of my memory without sensations of indignation and of horror. Had my unfeeling assailants confined themselves to statements and animadversions on the magnitude and atrocity of the offences for which I was to take my trial, I should not have complained: there are, however, but few crimes in the catalogue of human depravity, which have not been imputed to me. The distress and anguish of mind which I have naturally felt at these reiterated slanders have been rendered additionally acute by the pain which I knew they would inflict on those who are dearer to me than life itself: so far, however, as I am concerned, they will shortly be of little consequence; but I cannot bear the reflection, that the sting should remain to torture the dear relatives and friends who will survive me. It is this consideration, and not any hope of averting my fate, that has induced me to undergo the distressing and disgraceful ordeal of a public trial, as the only means by which I shall have the opportunity of proving to the world that the immense sums which it was supposed, and asserted, that I alone had acquired and squandered away, were really never in my individual possession; that every shilling was placed to the house account, and appropriated generally to the concerns of Marsh and Company; and that, although I have been criminal, others are not infallible; and I owe it as a debt of gratitude to those dear connexions who have not deserted me in my great and anxious tribulations, to rescue my memory, as far as I am able, from unfounded calumny; and I do hope, that when all the circumstances of my unfortunate case are reviewed, it will appear to every impartial and liberal-minded man, that I have been a victim to the peculiar circumstances in which I had unfortunately been placed; and, although by the existing laws of the country I may be justly doomed to suffer the heaviest punishment those laws can inflict, still that I am not altogether undeserving the commiseration and the pity of my fellow-creatures.

"The detailed statement I have already handed to you, relates the history of my misfortunes, at least so far as they led to the commission of the offences with which I am charged, and the appropriation of the money. I shall not, therefore, here trouble you with a repetition, but shall confine myself to short and general observations on the reproachful and slanderous reports which have been so widely circulated regarding the incidents, or the imagined occurrences of my private life.

"I am charged with having been a gambler. My answer is, that I was never in a gaming-house in my life. Although a member of two clubs, the Albion and the Stratford, I never played at cards, or at dice at either, nor did I ever play at any other game of chance.

"I have been accused of having ruined a lady, and refused to make reparation until threatened by her brother to call me out; and it was added, that I had deserted her the moment she had the greatest claim to my protection. Delicacy forbids me entering into an explanation on this subject, further than to declare, that what I did was perfectly voluntary, and with the most laudable and honourable motives; and so far from the lady's brother having interfered, he was at the time alluded to in the West Indies. Could all the circumstances be exposed, and my conduct and motives duly appreciated, I feel convinced that every liberal minded man would rather applaud than censure them; and I feel pleasure in stating, that the lady in question has always been, and now is, actuated by the best feelings towards me.

"I am reproached with a dishonourable seduction in France.—I never was upon the Continent but one night in my life (i. e. Calais),

and therefore could not have seduced any young woman from a convent, which has been falsely attributed to me.

"I am accused of keeping many expensive establishments for my amours.—This I positively deny; I never kept any one such establishment. I had one house at Lambeth, and one at Brighton. The one at Lambeth was my house—as my children were there; at this no extravagance was permitted, for I was living there in perfect retirement after my hours of business. The expense of the Brighton establishment, I have before described in my other remarks, as altogether not exceeding 340*l.* a year.

"I am accused of carrying on an intimacy with Mrs. Bertram, and by that means squandering away money. My only knowledge of this woman I have already described to you, and which will appear to have been a mere temporary and slight acquaintance, which ceased many years ago.

"I am charged with having prodigally, or at least, inadvertently, lent money to persons of loose character: this I also deny. I never lent to any such persons, nor did I advance any sums without receiving a security.

"I am charged with having settled upon various females annuities of the yearly value of 2,200*l.*; and, it has been said, that I have fraudently invested monies in the funds to answer the payment of such annuities. This, like all the others, is a gross fabrication.

"I am charged with having invested monies in my name, or in that of trustees, in the Foreign Funds, or with having deposited sums of great magnitude with confederates. This I positively deny: I have no investment whatever in any foreign or other funds, neither have I deposited with any person, or in any way concealed, one single guinea. I have always felt too much interest and devotion for the welfare and keeping up the credit of the banking-house to think, for one moment, of making the least provision for myself; as the sacrifices I have made for years past, in sleepless nights and anxious days, and my present unhappy situation, must too truly testify.

"I cannot conclude without offering my grateful thanks to those dear friends, who, notwithstanding the calumnies that have been heaped upon me, have still consoled me by their kind attentions; to all of them I give my humble, best, sincere blessing, and bid them a last adieu.

"I remain, dear Sirs,

"Your ever sincere and affectionate,

"HENRY FAUNTLEROY."

In obedience to Mr. Fauntleroy's wishes, the substance of his statement was put into form, as a defence, and the draft was on Friday evening submitted to his inspection. He read and approved it, and promised, not only to copy it by the following morning; but to read it to the jury; and at ten o'clock at night, Mr. Mayhew and his solicitors left him.

In the early part of the last week the mind of Mr. Fauntleroy appeared to be more distressed than at any previous time of his imprisonment: this probably arose from the conflict in his mind as to the course he should take respecting his trial, the anxiety he was under to wind up all his worldly affairs, and the anguish he felt at finding himself, even to nearly the eve of his ordeal, stigmatized and traduced in almost every direction. But what appeared the most to affect and un-



nerve him, was the information he received, that one individual, in particular, was assisting in the propagation of slanders against him, from whom, of all others, he had a right to expect sympathy, and the most unremitting and anxious attentions. This conduct, from a man who was bound to him by peculiar ties, was, as the unfortunate gentleman expressed himself,

“The unkindest stab of all,”

and his mind was wholly unprepared to meet it; and the unfeeling conduct of this individual, it is believed, more than any other consideration, induced Mr. Fauntleroy to stand his trial. When Mr. Fauntleroy's solicitors and friends endeavoured to soothe and comfort him, his feelings frequently overpowered him—his grateful heart appeared to swell as if ready to burst from his bosom—he endeavoured to speak, but his utterance was choked, and embracing alternately all those around him, he burst into tears, and sunk exhausted under the ebullition of his feelings; as the time of trial, however, approached, he became more calm; and when his concerns were finally settled and arranged, he assumed his wonted composure and resignation.

When this unfortunate individual left the Court on Saturday afternoon, he exclaimed, “Thank God, this trial is over.” He was greatly exhausted, and some time elapsed before his spirits were sufficiently restored to enable him to take refreshment. He was visited by his Attorney, and several friends, to whom he said he was satisfied with the trial, and the Jury could not, in his opinion, have returned any other verdict. One of the Jurors wept very much, and several of them were deeply affected. Mr. Fauntleroy slept better on Saturday night than he had done on any night during the preceding week; and yesterday morning he attended divine service at the chapel in Newgate. The Rev. Mr. Cotton preached a very appropriate discourse. He took for his text the following words.—“Believe in the Lord Jesus Christ, and thou shalt be saved.” Mr. Fauntleroy conducted himself in the most decorous manner, and appeared to have no hope except beyond the grave. He was occasionally affected, particularly after the worthy divine had repeated Christ's promises of pardon to repentant sinners, and when he called upon each of his hearers, who were under conviction, in the following words:—“Set thy house in order, for to-morrow thou shalt surely die.” During the prayers, Mr. Fauntleroy joined in the responses with unusual fervour. After service, on retiring to his room, he became exceedingly dejected, and spent the remainder of the day in writing to one of his partners, and in reading.

The subject which more particularly calls for explanation, is the conduct of his (Mr. Fauntleroy's) partners, who, if they had used the common caution of men of business, or had performed the imperative duty which devolved upon them as the receivers and guardians of the property of others, would, long since, have discovered the frauds practised upon the Bank of England; the real state of their own finances; and, perhaps, have been enabled, by timely interference, not only to have saved the life of their unhappy partner, but at least to have prevented his sinking to the grave covered with such a multiplied weight of crime—forgeries, that are yet, we fear, but partially developed, such are the distressing discoveries which every day attends the perseverance of the Bank Officers. The Assignees' accounts are now deposited with Messrs. Coutts, and it may be some satisfaction to the creditors to know, that the assets in money are much more considerable than was by many

anticipated, the securities are very numerous and heavy, but in some instances of a doubtful character. In declaring the dividend, much will depend upon a question which it is said the Bank intend raising—to reimburse themselves for a portion of their very heavy losses—namely, to be permitted to prove against the estate as general creditors, on showing that a great proportion of the proceeds of the forgeries have been applied to the support of the house, and the upholding of its solvency. But we have some reasons for believing that this will not be the only difficulty to be arranged by the yet unprejudiced partners of the firm. What, if it should turn out that in two instances private accounts have been overdrawn to a large amount by those who ought to have known the real state of the affairs long, very long since. It behoves the creditors to demand the fullest explanation upon this point; we have no wish to pursue it as far as we might, lest we should appear to be actuated by undue severity towards the unfortunate man.

On the subject of Mr. Fauntleroy's private expenditure, we have the authority of one who has known him intimately, and who is above reproach, to say that it has never exceeded 1500*l.* per annum; indeed it could not, for in all the relations of private life he was unostentatious, fond of seclusion, avoiding expensive parties, and appearing most happy when surrounded by his own family, and the few private friends who met him in his retreat. Driven by a species of madness to commit the crime for which his life is forfeited, he was yet in business the most attentive, indefatigable man that ever moved in a similar situation, and in all private transactions, above even the suspicion of deceit. What renders his conduct the more inexplicable is the production of the document avowing his crime, left carelessly discoverable, and that too without the slightest apparent intention of the delinquent to make his escape—an act which he might safely effected any day he pleased, up to the moment of his apprehension, with one hundred thousand pounds in his possession. We cannot help thinking that there is more in this case than has yet met the public eye.

The editor of the *Sunday Times* thus strongly expresses himself upon the subject:—"Thus has come to a close, that trial which has recently become the theme of conversation, and which has given rise to so many destructive opinions. However strong the evidence which was brought against Fauntleroy, and however stern and vindictive the prejudices which were arrayed against him, some feeling of disappointment must be felt at the publication of his defence. It was a cold, studied, and rhetorical attempt—evidently prepared with labour, and delivered like one more disposed to gratify himself, than to satisfy others. Neither its composition nor its delivery could warm the affections; it passed over the surface of the mind without leaving a trace or vestige of its progress. In one respect it may said to be valuable—in affording proof, if his statement is to be credited, of the participation of the other partners in Berners-street, in the guilt of the infatuated criminal—his was the daring, theirs the cowardice of crime. We can scarcely suppose that a man, standing in the awful situation which he did, would string together a tissue of falsehoods which were so easy of refutation, and which would be scanned with eagle eye by those persons who were inculpated in them. From the first moment when the forgeries were brought to light, we declared our belief that others must have shared in the prizes which Fauntleroy had seized, at the risk of his life; and now,

if his farewell appeal to the world is to be credited, we have more than suspicions on which to attach a moral, if not a criminal responsibility to the partners. But can this implication afford palliation or excuse for his conduct? We answer no. If, in a moment of phrenzied zeal for the interests of the house, he had committed the rash act, having in his mind the certainty of atoning for it; or if led by anxiety for his moral fame, from the number of unfortunate persons whose property was bound up in it, he had stepped beyond the strict rules of justice—nay, even if deluded by the confidence of others, he had rashly interfered with those funds which ought to have been held sacred, charity might have softened down the harsh and revolting features of his case. But when, according to his own confession, the banking establishment in 1807 was “embarrassed,” by the loss of 20,000*l.* the year in which he was installed as a partner; and when three years afterwards it sustained a diminution of capital to the enormous extent of 170,000*l.*; and when all this while the parties were pasturing quietly on the annual fruits of the concern, callous to the impending ruin, and careless what hearts were withered, and what fortunes fractured—it was something more than rashness—it was positive criminality to barter away the money of third parties in such an experiment. As to his professions of misplaced zeal, for the interests of the house, they looked awkward when placed beside the account of the stock drawn out on forged warrants, dated in 1819, which contains a deep expression of malice against the firm. Could a man, after having written such a paper, and having kept it in his possession for five years, ever expect to take credit for his disinterested endeavours to prop an establishment whose fate he had so fearlessly doomed? Any feeling which might be thought to plead in his favour, from a hasty and perilous confidence in future resources, is also set at rest, by the long continuance of his speculations, by means of the forged warrants; for surely that confidence must have been great, indeed, which could stand the shock of so many embarrassments, carried through a series of years.

We refrain from noticing the special finding of the Jury; for as there is no difference in the punishment awarded by the law, we see none in this case in the offence charged. While the guilty knowledge of the forgery is found by the verdict, the act of forgery is not disproved. It is not to be presumed that the high prerogative of mercy will be the price awarded to the technicalities of the law—Thank God! it is reserved for nobler purposes.

It is not true, as some pretend to say, that his future fate ever seriously occupied his mind during his confinement. In the course of the day he was engaged in the disposal and distribution of his personal effects, and in writing out memoranda of the bank affairs. In the evening, when alone, he indulged himself with reading works of amusement. A few nights before his trial, he told his counsel, Mr. Broderick, that he had a strong inclination to plead Guilty to the indictment; and frankly asked his opinion as to the propriety of his conduct. Mr. Broderick answered, that although he could not hold out any hopes for him, yet he dissuaded him from adopting this course, as he would thus lose the benefit of any technical objections that might arise in the course of the trial. Fauntleroy shook his head incredulously, and the conversation dropped.—The vanity of Fauntleroy was excessive. He had adopted the foolish idea that he strongly resembled Buonaparte in the shape of his face; and the sycophants who surrounded him took care to favour this conception. That he might always have an image of the great



prototype before him, he procured a marble bust of Napoleon, which cost him an enormous sum, and this he placed in the most conspicuous part of his drawing-room. On the opposite side was a bust of himself, which, through the kindness of the sculptor, who had doubtless got his cue, was made in some of the features, particularly in the brow and the nose, to bear a striking resemblance to those of Napoleon."

"The trial of Mr. Fauntleroy took place at the Old Bailey, and a verdict of Guilty was returned against him. The interest excited was prodigiously great, and the concourse of spectators proportionably numerous. The Attorney-General, who was retained for the prosecution, produced the most extraordinary document imaginable in the Court, being neither more nor less than a list, in the prisoner's handwriting, signed by himself, of the various forgeries committed by him to keep up the credit of the house—this was dated so long ago as 1816.

"The falsehood of all the statements respecting Mr. Fauntleroy's private extravagance, was clearly shown, and upon our minds the most striking part of the whole transaction, or series of transactions, is the declared ignorance of Mr. Fauntleroy's partners of the proceedings and the measures he was taking to support the credit of the firm. It should seem that these gentlemen ought to have known enough of the affairs of their own establishment to feel the difference produced by the acquisition of 170,000*l.* to which they were not entitled. We should ourselves like to be informed what is the actual state of Mr. Marsh's private account with the house at this moment, and what the state of Mr. Graham's account—the Commissioners of Bankruptcy will, we presume, get at this information, and it is highly important that they should do so. The life of one partner is sacrificed to the offended laws of his country—offended by his forgeries for the benefit of the firm—it is but right that the country should be satisfied of the conduct of the other parties during the struggle which, it appears that Mr. Fauntleroy made, at the hazard of his existence, to preserve their reputation."—*John Bull.*

To show how well the Legislature has guarded the stock-holder (as far as capital punishment will do it) against such offences as those charged against Mr. Fauntleroy, we copy the following analysis of the enactments from Mr. Hammond's valuable Appendix to the Report of the Committee on the Criminal Law:—

1. Death, sans clergy, for forging any power to transfer stock, or to receive annuity or dividends; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock, annuity or dividend.—3 Geo. I. cap. 22. sect. 1.

2. Death, sans clergy, for forging any power to transfer stock, or to receive annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock transferred, or annuity or dividend received under such forged power; and for personating the proprietor of stock, annuity or dividend.—31 Geo. II. cap. 22, sect. 77.

3. Death, sans clergy, for forging any power to transfer stock or annuity, or to receive annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have stock or annuity transferred, or annuity or dividend received under such forged power; and for per-

sonating the proprietor of stock, annuity, or dividend.—4 G. III. c. 25. s. 15.

4. Death, sans clergy, for making a transfer in the Bank books of stock, annuity, or other funds transferrable at the Bank in the name of one not the proprietor.—33 G. III. c. 30. s. 1.

5. Death, sans clergy, for forging a transfer of stock, annuity, or other funds; and for uttering such forged transfer.—33 Geo. III. c. 30. s. 2.

6. Death, sans clergy, for making a false entry, or altering an entry in the Bank books; and for falsifying the accounts therein.—33 G. III. c. 30. s. 3.

7. Seven years' transportation for a servant of the Bank making out a false dividend warrant.—33 Geo. III. c. 30. s. 4.

8. Death, sans clergy, for forging any power to transfer certain stock or annuity, or to receive certain annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have certain stock or annuity transferred, or certain annuity or dividend received under such forged power; and for personating the proprietor of certain stock, annuity, or dividend.—35 G. III. c. 66. s. 4.

9. Death, sans clergy, for forging certain dividend warrants or indorsement thereon; and for uttering the same; and for demanding the contents thereof.—35 G. III. c. 66. s. 5.

10. Death, sans clergy, for making a transfer in the Bank books, of certain stock or annuity, in the name of one not the proprietor.—35 G. III. c. 66. s. 7.

11. Death, sans clergy, for forging transfers of certain stock or annuity; and for uttering the same.—35 Geo. III. c. 66. s. 8.

12. Death, sans clergy, for making a false entry, or altering an entry in certain Bank books; and for falsifying the accounts therein.—35 Geo. III. c. 66. s. 9.

13. Seven years' transportation for a servant of the Bank making out a certain false dividend warrant.—35 Geo. III. c. 66. s. 10.

14. Death, sans clergy, for forging any power to transfer certain stock or annuity; or to receive certain annuity or dividend; and for forging to such power the name of the proprietor or person entitled; and for demanding or endeavouring to have certain stock or annuity transferred, or certain annuity or dividend received under such forged power; and for personating the proprietor of certain stock, annuity, or dividend.—37 Geo. III. c. 46. s. 4.

15. Death, sans clergy, for forging certain dividend warrants, or indorsement thereon; and for uttering the same; and for demanding the contents thereof.—37 Geo. III. c. 46. s. 5.

16. Death, sans clergy, for making a transfer in the Bank books of certain stock or annuity, in the name of one not the proprietor.—37 Geo. III. c. 46. s. 7.

17. Death, sans clergy, for forging transfers of certain stock or annuity; and for uttering the same.—37 Geo. III. c. 46. s. 8.

18. Death, sans clergy, for making a false entry, or altering an entry in certain Bank books; and for falsifying the accounts therein.—37 Geo. III. c. 46. s. 9.

19. Seven years' transportation for a servant of the Bank making out a certain false dividend warrant.—37 Geo. III. c. 46. s. 10.

20. Felony, with seven years' transportation, or other lesser punish-

ment, for forging an attestation to a power to transfer stock, annuity, or other funds, or to receive dividends; and for uttering the same.—37 Geo. III. c. 12. s. 1.

21. Death, sans clergy, for forging certain certificates or duplicate certificates; and for uttering the same.—57 G. III. c. 79. s. 13.

22. Death, sans clergy, for forging certain certificates or duplicate certificates; and for uttering the same.—1 & 2 G. IV. c. 73. s. 15.



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